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IDENTIFIERS	United States; Virgin Islands

ABSTRACT

Updating the Administration for Children, Youth and Families' 1978 "Comparative Licensing Study," a study was conducted to provide a common framework for assessing state activities in critical child care licensing areas and to record the status of child care licensing as of March 1981 in the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The updated, six-volume comparative licensing study improves the format of the original (e.g., gives greater prominence to group size and infant care) and contains detailed information on state laws and regulations dealing with family child care homes, group child care homes, and day care centers. The format consists of the following categories: (1) state licensing of child day care facilities; (2) licensing process and enforcement procedures; (3) administration; (4) group compositions of children; (5) staff qualifications and training requirements; (6) program of activities, including education; (7) health and safety; (8) nutrition and food services; (9) social services; (10) parent participation; (11) infants and toddlers; (12) children with handicapping conditions; (13) school age children; (14) facility requirements; and (15) other state requirements - compliance with other local, state, and regional laws and regulations. Volume 4 profiles requirements of day care centers in South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. In some profiles, some categories are not detailed. (RH)

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COMPARATIVE LICENSING STUDY

Profiles of State Day Care Licensing Requirements

DAY CARE CENTERS

Revised Edition 1981

Volume 4 South Dakota - Wyoming

produced for

Dr. Raymond C. Collins
Government Project Officer
The Office of Program Development
Office of Developmental Services
Administration for Children, Youth and Families
Office of Human Development Services
U.S. Department of Health and Human Services

by

Lawrence Johnson & Associates, Inc.
4545 42nd Street, N.W.
Washington, D.C. 20016

November, 1982

PS 013973

Except where otherwise noted, all citations are from the South Dakota Department of Social Services, Standards for the Licensing of Day Care Centers, (Chapter 67:41:04), August, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

S.D. COMP. LAWS ANN. §26-6-14 Categories of Child Welfare Agency Licenses.

A child welfare agency shall be licensed, as provided in this chapter, for activities which fall within one or more of the following categories:

> The providing of group care and supervision of children on a regular basis for part of the day as a supplement to regular parental care, with or without compensation, for thirteen or more children under the age of fourteen living in the home and children from more than one unrelated family received for day care, in any facility, including a family home, which shall be known as a day care center;....

112. Exclusions and Exemptions

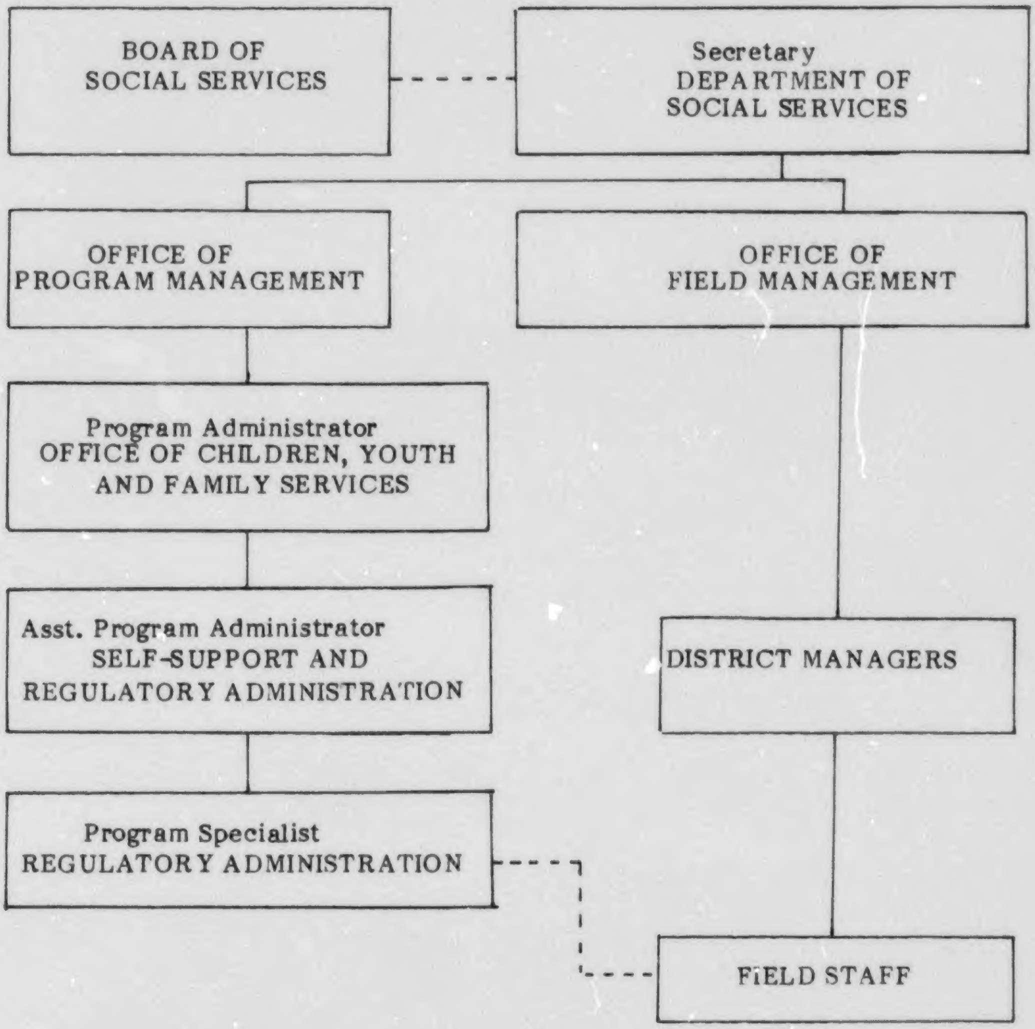
Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


BOARD OF SOCIAL SERVICES
Secretary DEPARTMENT OF SOCIAL SERVICES
OFFICE OF PROGRAM MANAGEMENT
OFFICE OF FIELD MANAGEMENT
Program Administrator OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES
Asst. Program Administrator SELF-SUPPORT AND REGULATORY ADMINISTRATION
DISTRICT MANAGERS
Program Specialist REGULATORY ADMINISTRATION
FIELD STAFF

There are four districts in South Dakota. All licenses are issued and revoked at the district level where the day to day licensing functions are carried out as well. The state central office monitors and provides consultation to the districts.

122. Responsible Official

All inquiries should be addressed to:

Program Specialist for
Regulatory Administration
Children, Youth and Family Services
Office of Program Management
Department of Social Services
Richard F. Kneipp Building
Pierre, South Dakota 57501
(605) 773-3227

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

§67:42:01:11 Maintenance of standards of license or certificate of approval by office.

The office shall implement the following general policies and procedures to insure maintenance of standards of the license or certificate of approval:

Develop rules, regulations and procedures relating to licensing, and granting of certificates of approval and review them not less than every two years in consultation with the provider and the department;

Conduct, as deemed necessary, on-site visitations and evaluate the activities of a provider to ascertain compliance with standards; and

Offer consultation or training to a provider.

See also 212. Advisory Body and Other Community Participation

212. Advisory Body and Other Community Participation

§26-6-16 Standards for child care by licensed or registered agencies established by board - Matters included in standards.

Standards of care of children outside their own homes by licensed or registered child welfare agencies shall be established by regulations of the board of social services. Such standards shall include qualifications of personnel engaged in child care services; requirements relating to safety, sanitation, condition and maintenance of physical plant and equipment utilized in child care; controls relating to the keeping of records, numbers, ages, and sex of children cared for, and such other provisions as may from time to time be adopted.

220. LICENSING PROCEDURE

221. Application and Issuance

§67:42:01:04 Application for license or certificate of approval.
An application for a license or certificate of approval granted under this article shall be submitted to the office by means of an official application form provided to the applicant upon oral or written request. The application must be signed by an applicant who wished to proceed with the process necessary to obtain a license or certificate of approval.

§67:42:01:17 Withdrawal of license or certificate of approval.
A license or a certificate of approval may be withdrawn either by request from a provider or by mutual consent of the provider and the department. A thirty-day oral or written notice to the department shall be required before the license or the certificate of approval is withdrawn.

§67:42:01:09 Specifications of license or certificate of approval.
A license or a certificate of approval must contain the information required by SDCL 26-6-15. The license or certificate of approval shall be valid

only when the state laws and the regulations of this article are complied with and shall pertain only to the provider and to the residence described in the license or certificate of approval.

§67:42:01:10 Limitations on combining types of care.

A combination of adult care and child care or various types of child care licenses or certificates of approval shall not be permitted except as may be authorized by the department based on the merits of a written case service plan accompanying the request.

222. Fee Charged

Not specified

223. Areas of Investigation

§67:42:01:05 Evaluation and approval.

The office shall evaluate the applicant based on references, physical examination, orientation training, personal interviews and home visits. Based on the aforementioned evaluation, the department shall make a determination as to whether a license or certificate of approval shall be issued.

224. License Renewal

§67:42:01:15 Renewal of license or certificate of approval.

Renewal of a license or a certificate of approval shall be required annually and shall be based on an annual evaluation of the home and care provided as determined by the department. Additional provider training beyond the orientation training may be required as a condition of renewal.

225. Conditional/Provisional Licenses

§67:42:01:14 Provisional license or certificate of approval.

A provisional license or certificate of approval may be issued to an applicant whose services are needed but who is temporarily unable to conform to all provisions of established standards of care are required under this article. A provisional license or certificate of approval may be issued for the following reasons:

> An applicant's health report, tuberculin tests, or letters of reference have not been received or training has not been completed. Provisional licenses of this kind shall not exceed ninety days from the time of issuance;
>
> The applicant's home is needed to provide a placement but fails to meet standards of care. Provisional licenses of this kind may not be issued for more than three consecutive years.

The administrator of the office or his designee may grant a provisional license or certificate of approval for the above-stated reasons if the following requirements are met:

> The need for such a license or certificate of approval is documented; and
>
> Adequate care and protection can be provided without meeting the appropriate standards relating to a license or certificate of approval.

In granting a provisional license or certificate of approval, the office may require an inspection and report of the premises by the state fire marshal or the state department of health.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

§67:42:01:16 Refusal of license or certificate of approval.
The department may refuse to grant a license or certificate or approval to an applicant. The refusal must be based on an evaluation, substantiated by facts, showing that the applicant does not meet standards for care. The applicant shall receive a written notice of refusal to license or to grant a certificate of approval and a full disclosure shall be made to the provider as to why the department believes the standards for care have not been met. An applicant may reapply when he has taken the proper corrective action related to the reasons for the original rejection for licensure or approval.

§67:42:01:18 Revocation of License or certificate of approval.
Violation of the provisions of this article shall constitute grounds for revocation of the license or certificate of approval. Before the license or certificate of approval is revoked, the provider shall receive a thirty-day written notice of revocation and a full disclosure shall be made to the provider as to the reasons for revocation of license or certificate of approval. The thirty-day written notice shall not be required when, in the opinion of the department, the revocation is necessary to prevent danger to the life, health or safety of the client.

233. Remedies and Sanctions

233.1 Hearings

§67:42:01:20 Fair hearing.
An applicant for a license or a certificate of approval or a provider shall be entitled to a fair hearing if aggrieved or dissatisfied with any action taken by the office or failure to take action in accordance with regulations and the laws of the state. All fair hearings conducted under this article shall be in compliance with chapter 67:17:02. All requests for a fair hearing made by an

applicant or provider must be made within thirty days after the action or inaction complained of, or thirty days after action should have been taken as provided by law or rule. Fair hearing requests may be either oral or written.

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§67:41:04:03 Governing board.

A day care center may be operated by an individual, a public or private agency, or an incorporated organization. A public or agency, or incorporated organization, shall be required to form a governing board, which shall meet at least four times a year. An executive committee shall be created and have the authority to, and be available to, transact necessary business between regular meetings of the board.

§67:41:04:05 Statement defining purpose and function.

A day care center shall submit, to the department, a statement of its purpose and function; the maximum number of children handled; their age levels; their sex; the degree of retardation or handicaps, if appropriate; its hours of service; and the type of care and services offered. Upon request of the department information relative to fiscal or statistical matters shall also be submitted.

§67:42:01:12 Compliance with standards of license or certificate of approval by provider.

The provider shall be responsible for complying with the standards of the license or certificate of approval. The provider shall file a report with the department within twenty-four hours after the occurrence of any of the following:

An unusual incident such as fire, death or serious injury to a client;

A change in circumstances which may violate the standards of the license or certificate of approval required to be maintained by the provider; or

A change in circumstances which may affect the ability of the provider to provide adequate care.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

§67:41:04:05 Finances.

A day care center shall have sufficient financial resources on hand or reasonably anticipated to maintain the continuity of its program and function. A projected budget shall be submitted to the department for the first year of operation and an annual financial statement thereafter.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

§67:42:01:13 Civil rights.

A provider shall not discriminate in the provision of services to any eligible individual by reason or race, color, creed, religion, sex, ancestry, handicap or national origin. A statement of compliance with the Civil Rights Act of 1964 and SDCL 20-13 shall be submitted by a provider to the office prior to issuance of the license or certificate of approval.

340. RECORDS REQUIREMENTS

341. Children

§67:42:01:21 Reporting and maintenance or records.

The provider shall notify the department immediately of any change in a client's status, including death, serious illness, running away, or incompatibility. A record shall be maintained by the provider on each client. That record shall include the client's name, date of placement, date of removal, special needs, the names and telephone numbers of the client's social worker, doctor, dentist, parent or person to contact in the event of an emergency, and any other information as required by standards or desired by the provider.

342. Staff

§67:41:04:20 Staff records.

A day care center shall maintain records of its staff which shall include their names, ages, addresses, telephone numbers, training and experience or school record transcripts, health records, references, job descriptions, salaries, hours of work and dates of employment and separation.

343. Child Eligibility and Enrollment Requirements

§67:41:04:19 Admission policies.
Admission policies shall be developed in accordance with the defined purposes of the day care center.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

§67:42:01:22 Confidentiality.
All files and records of the provider shall be kept confidential. No information shall be released from the files or records to anyone outside of the department unless written authorization for the release of information is obtained from parties which may be affected by this action. This may include the department, the provider, a client served by the provider or legal representatives of any of the aforementioned parties.

A provider shall maintain in confidence all information concerning a client. Details of a client's life, or that of his family, shall not be shared with neighbors, friends or relatives.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§67:41:04:11 Adult-child ratio.

A day care center shall maintain the following adult-child ratio: for five children from infancy to three years of age, one adult; for eight children over three to six years of age, one adult; and for ten children over six to fourteen years of age, one adult. A minimum of two adults shall be required to be present at all times. There shall be no more than twenty children in an activity grouping.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

§67:42:01:07 Physical health standards for applicant.

An applicant shall submit a written statement by a duly licensed physician or physician's assistant showing evidence of adequate physical health and a written statement showing freedom from, or control of, tuberculosis on the part of the applicant and his family. Evidence shall be shown of each applicant's child's immunization for rubella, mumps, whooping cough, diphtheria, tetanus and polio. Thereafter, a report may be requested by the department whenever a situation indicates that a medical report is desirable. Excluded from the provisions of this section, with regard to health reports, are members of the applicant's family who will not be in daily contact with children in day care. Tuberculin tests are required of all family members.

§67:42:01:08 Handicaps of applicant or provider.

An applicant's handicap which would not interfere with his ability to provide adequate care to a client shall not bar him from becoming a provider. The handicap shall be evaluated by the office as to how it affects the applicant's personality and whether it may be of significance in caring for a client. A provider who becomes handicapped shall be evaluated by the office as to how it affects his personality and whether it may be of significance in caring for a client.

§67:14:04:16 Health standards of staff.

Health standard requirements for day care center staff shall include a physical examination, tuberculin tests and annual complete medical report for each staff member, signed by a licensed physician, and maintained in staff files.

513. Education

Not specified

514. Experience

§67:41:04:06 Staff qualifications.
Staff members of day care centers shall be of good health, good moral character, and emotionally stable, and shall have sufficient ability and education to adequately carry out the duties assigned them.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age
See 523. Education

522. Health
See 512. Health

523. Education

§67:41:04:07 Qualifications for director or proprietor.
In addition to the qualifications of staff provided for in this chapter, the director or proprietor of a day care center shall be at least twenty-one years of age, have graduated from high school or have obtained an approved certificate of high school equivalence, and have three years of experience working with children of the age to served.

§67:41:04:08 Qualifications for supervisor.
In addition to the qualifications for staff provided for in this chapter, a supervisor of a day care center shall be at least twenty-one years of age, have graduated from high school or obtained an approved certificate of high school equivalence, have three years experience working with children or have a bachelor's degree in early childhood education or child development or any degree relative thereto, or have a child development associate credential. The presence of at least one supervisor in regular attendance throughout the day is required. The director may also serve as supervisor.

524. Experience

§67:42:01:06 Ability to provide care.

An applicant shall demonstrate such competence that will permit him to provide adequate care to a client which meets the client's intellectual, physical, social and emotional needs. On completion of orientation training, competence of the applicant shall be determined by, but not limited to, the applicant's ability to:

Provide understanding of, and encouragement and emotional support to the client;

Provide social and recreational activities and opportunities for participation of the client in appropriate community activities;

Provide necessary assistance to the client in coping with daily living experiences; and

Provide necessary supervision for the client.

The applicant must also be able to participate with the department or a responsible party in devising and executing a case service plan for a client.

See also 523. Education

530. SUPPORT STAFF QUALIFICATIONS

§67:41:04:09 Qualifications for assistants.

In addition to the qualifications for staff, an assistant of a day care center shall be at least eighteen years of age and shall have had at least one year of experience working with children of the age to be served or have completed a child care training course, or have a child development associate credential. Student helpers of at least fourteen years of age or volunteers may qualify as secondary assistants. The day care center may provide additional staff, as may be necessary, who may not be included in the determination of adult-child ratio.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

§67:41:04:10 Inservice training and staff development.

The staff of the day care center shall be provided with training necessary to perform their assigned duties and shall participate in at least one training session annually.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§67:41:04:12 Program standards.

A day care center shall provide program activities to meet the developmental needs and interests of children in accordance with their age levels and abilities. The licensing agency shall record in the study, activities which the center uses in its program to help children develop socially, physically, educationally, and intellectually.

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

§67:14:04:15 Health standards for day care children.

Health standard requirements for a day care child shall include a health examination and a health certificate signed by a licensed physician, or a duly authorized county health official, indicating that the child is free from communicable diseases. If a child suffers an illness during the day, which requires isolation, proper notification shall be given to the parents. Medication shall only be given to a child upon specific written direction of a licensed physician and with the consent of the parents. All medications shall be kept under lock and key.

713. Immunizations

Not specified

714. Sanitation

§67:42:03:11 Physical requirements of family day care home.

There shall be no hazard to the day care child concerning fire, sanitation, sewage disposal, water supply, milk supply, or food preservation. Physical accommodations must afford a degree of comfort sufficient to ensure the family's self-respect and its well being in the community where it is situated. A family day care home shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from the structure in case of fire or other emergency. Two convenient exits, one of which may include a window, shall be available in a family day care home. All space occupied by persons and approaches shall have approved artificial lighting at a satisfactory level for general safety. The water supply shall derive from a public water system or one approved by the department of health. The water volume shall be sufficient to meet the needs of the home. The hot water system shall be capable of supplying the home with water at proper temperatures. The heating plant shall be capable of maintaining a comfortable temperature throughout the home. Each home shall have on file with the department an authorized safety check list indicating safety requirements have been met.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

See 712. Health Assessments

717. Medication and Special Diet Provisions

See 712. Health Assessments

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

See 714. Sanitation

722. Fire Safety Requirements

§67:41:04:24 Fire inspection.

A fire inspection shall be conducted by the appropriate fire authority prior to the initial licensing of the day care center and each year thereafter for renewal of the license. A copy of the report shall be submitted to the department. Fire drills shall also be required at least four times per year.

723. Transportation

§67:14:04:17 Transportation requirements.
If a day care center furnishes transportation, passenger liability insurance on the vehicle shall be required.

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§67:41:04:14 Nutrition requirements.
If a child remains in a day care center for a full day session, a midmorning snack, lunch, and midafternoon snack shall be served which supplements at least one-third of the daily nutrition requirements. Weekly menus should be posted for parental observation. A nourishing snack shall be served to a child who is at the center for more than two hours. A center may negotiate with a parent to supply the food for his child.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

§67:41:04:13 Parental involvement.

Day care centers serving more than forty children shall have parental involvement in setting policies and program goals for the children. Parental involvement in encouraged in all centers.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

§67:14:04:18 Social services utilized.

A day care center may serve exceptional children who have been diagnosed as mentally retarded, emotionally disturbed, or physically handicapped. In such cases, the day care center shall designate staff to provide social services, or provide social services through the staff or a recognized social service agency.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

§67:41:04:25 Physical facilities and standards.

The physical facilities of the day care center shall be maintained in accordance with the standard degree of comfort and safety of the children. A fenced area where children can play without hazard is necessary. Facilities in non-hazardous traffic areas may waive the fencing requirement.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See 714. Sanitation

1430. EXITS

See 714. Sanitation

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

§67:41:04:12 Physical facility location and standards.

The day care center facility shall be located in a neighborhood which meets the approval of fire and health authorities, local zoning ordinances, and shall be maintained in accordance with the standard degree of comfort and safety.

1520. FIRE

§67:41:04:24 Fire inspection.

A fire inspection shall be conducted by the appropriate fire authority prior to the initial licensing of the day care center and each year thereafter for renewal of the license. A copy of the report shall be submitted to the department. Fire drills shall also be required at least four times per year.

1530. BUILDING

See 1560. New Construction

1540. HEALTH

§67:41:04:23 Environmental health survey.

An evironmental health survey shall be conducted by the department of health prior to the initial licensing of the day care center and each year thereafter for renewal of the license, and a copy of the report shall be submitted to the department.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

§67:41:04:22 Building plans.

A new day care center shall submit its plans or drawings and program plans to the state fire marshal, state department of health and the department for approval, prior to the opening of the facility and the licensing process.

Except where otherwise noted, all citations are from the Tennessee Department of Human Services, Standards for Day Care Centers Serving Preschool Children, August, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

TENN. CODE ANN §14-10-101 Definitions.
As used in this chapter "child welfare agency" shall include "child-caring institution," "child-placing agency," "maternity home," "family boarding home," "group care home," "family day-care home," "group day-care home," and "day-care center.

"Day-care center" shall mean any place operated by a person, society, agency, corporation, institution, or religious organization, or any other group wherein are received for pay thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day without transfer of custody.

112. Exclusions and Exemptions

1240-4-3-.01 Introduction - Licensing Procedure.
Any child welfare agency, which is under the direct management of an administrative department of the state, a county, or a municipality, or any combination of these three, shall not be subject to license, but shall meet the minimum standards of program and care as required of such child welfare agencies.

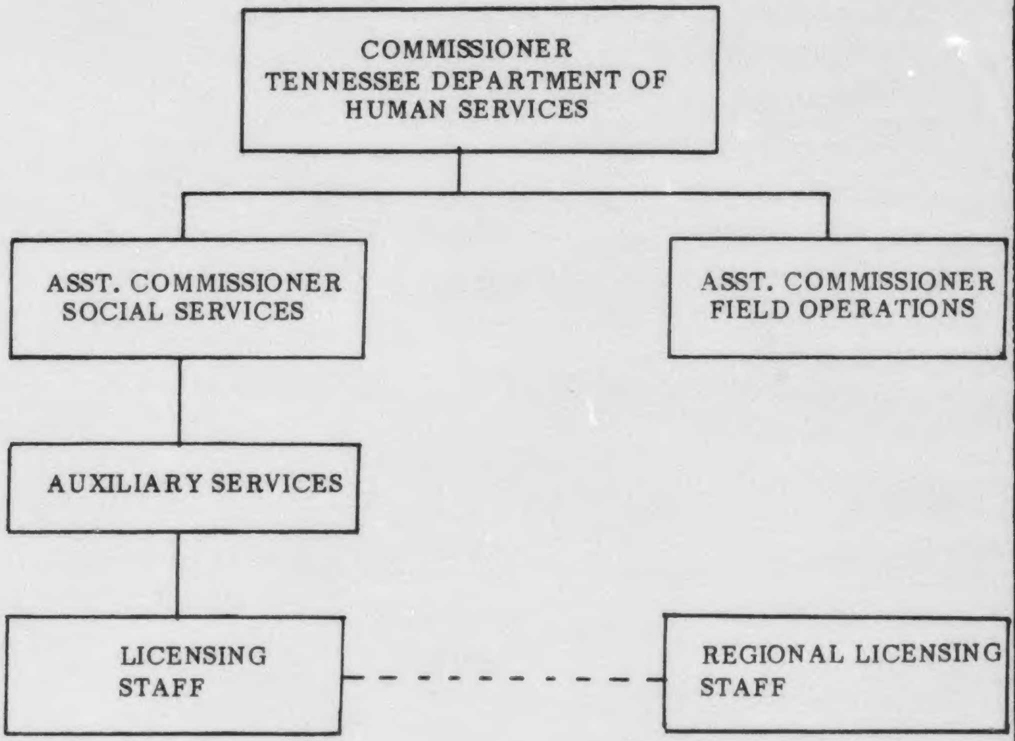
The definition of a day care center excludes kindergarten programs for five-year-old children operated on essentially the same time schedule as public school kindergartens. A kindergarten may be part of a public or private school system or may be operated independently. If the facility serves children under five years of age or exceeds the time schedule normally observed by public kindergartens, it must be licensed.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


COMMISSIONER
TENNESSEE DEPARTMENT OF
HUMAN SERVICES
ASST. COMMISSIONER
SOCIAL SERVICES
ASST. COMMISSIONER
FIELD OPERATIONS
AUXILIARY SERVICES
LICENSING
STAFF
REGIONAL LICENSING
STAFF

In Tennessee, licenses are issued at the regional level where the day to day licensing functions are also carried out. The state central office monitors the regions and provides consultation to them. Licenses are revoked at the state central office level.

122. Responsible Official

All inquiries should be addressed to:

Administrator of Licensing Services
Licensing Unit
Social Services Division
Tennessee Department of Human Services
111-19 7th Avenue North
Nashville, Tennessee 37203
(615) 741-3284

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

TENN CODE ANN §14-10-104 Annual License—Standards.
All child welfare agencies shall be licensed annually by the department, said license to be based on standards developed and published for each child welfare agency.

Standards for each type of child welfare agency must be reviewed and reevaluated every five (5) years by a committee or committees appointed by the commissioner.

212. Advisory Body and Other Community Participation

TENN. CODE ANN §14-10-104 Annual License - Standards.

The commissioner of the department of public welfare shall appoint a standards committee composed of sixteen (16) citizens, four (4) from each grand division of the state, and four (4) at large to develop standards for the licensing of "group care homes" and standards for the licensing of "group day-care homes." The members of the committee shall not receive any compensation for their services but shall be reimbursed for their travel to and from the committee meetings and for their meals and lodging in accordance with the state regulations.

220. LICENSING PROCEDURE

221. Application and Issuance

TENN. CODE ANN §14-10-106 Issuance of license--Fees.

Application for license shall be made to the department upon blanks furnished by it. Upon receipt of the application for license, and upon the presentation by applicant of evidence that such child welfare agency is suitable and properly managed as such, (the department) shall issue such child welfare agency a license for one (1) year following the date of issuance of such license and which license may at any time be revoked by the department upon ninety (90) days notice being given to the licensee.

222. Fee Charged

1240-4-3-.01 Introduction - Licensing Procedure.

The Department shall make no charge for the processing of any application for a license but may charge a fee not in excess of two dollars ($2.00) for the issuance of such license.

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

TENN. CODE ANN §14-10-107 Temporary License.
If the department finds that any child welfare agency does not meet the standards established by the department for license, but is attempting to meet these said standards, the department at its discretion may issue a temporary license to said child welfare agency, but said temporary license shall not be issued for more than one (1) year and shall not be reissued for more than one (1) consecutive year.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

1240-4-3-.01 Introduction - Licensing Procedure.
It shall be the duty of the Department, through its duly authorized agents, to inspect at regular intervals, without previous notice, all child welfare agencies within the state. It is given right of entrance, privilege of inspection, access to accounts and records, information regarding the whereabouts of children under care for the purpose of ascertaining the kind and quality of work done, and to obtain a proper basis for its decisions and recommendations. Any violation of the rights given in this section shall be a misdemeanor.

232. Denial, Suspension, Revocation of a License

TENN. CODE ANN. §14-10-109 Revocation of License.

If a license is issued, revocation can be had at any time before expiration date upon ninety (90) days' notice by the commissioner of the department, such notice to contain a statement of causes for the revocation. The licensee may upon a written request, filed within ten (10) days of the mailing of the notice of revocation, receive a hearing before the board of review; provided that such review shall be within the sixty (60) day period set out in the notice of revocation.

233. Remedies and Sanctions

233.1 Hearings

TENN. CODE ANN. §14-10-108 Hearing on Denial of Application.

Upon written notice to the applicant that a request for license has been denied such applicant may request a hearing before the review board. Such hearing must be granted at the next regular meeting of said board of review; provided, however, that no longer than sixty (60) days shall elapse after such request and before such hearing.

233.2 Decisions

See 233.1. Hearings

233.3 Judicial Review

TENN CODE ANN. §14-10-112 Appeals from Board of Review.

Any applicant or licensee feeling himself/herself aggrieved by the decision of the board of review may appeal to the (court of jurisdiction) within ten (10) days after written notice of such decision, by filing with the circuit court in the county where the agency is located within said ten (10) day period a written notice of appeal specifying the grounds upon which the appeal is made. The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the appeal board should not be comfirmed amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. Either party may appeal to the Supreme Court from the determination of the circuit court within five (5) days after notice of filing the decision in the manner provided for appeals in civil action. The department shall be allowed ninety (90) days after final decree to make provisions for the children.

TENN CODE ANN. §14-10-113 Penalty for Unlicensed Operation.
Any child welfare agency operating without being so licensed by the department, shall be guilty of a misdemeanor and shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars($200) for each such offense. Each day of operation without a license shall constitute a separate offense.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

IN THE FOLLOWING STANDARDS THE MINIMUM REQUIREMENTS ARE CAPITALIZED. THE AGENCY MUST MEET THESE IN ORDER TO RECEIVE AN ANNUAL LICENSE, OR MUST DEMONSTRATE GOOD INTENTION OF MEETING THEM BEFORE A TEMPORARY LICENSE MAY BE ISSUED. FAILURE TO MEET SUCH MINIMUM REQUIREMENTS, OR TO DEMONSTRATE SUCH GOOD INTENTION OF MEETING THEM SHALL CONSTITUTE GROUNDS FOR DENIAL OF A LICENSE OR FOR THE REVOCATION OF A LICENSE ALREADY ISSUED.

In the following standards Recommended requirements are initially capitalized. These denote the desirable standards which, if met, will contribute to the provision of developmental care of children.

1240-4-3-.02 Organization and Administration - Statement of Purpose.
A DAY CARE FACILITY MUST SUBMIT A WRITTEN STATEMENT TO THE DEPARTMENT OF HUMAN SERVICES GOVERNING THE FOLLOWING AREAS: THE TYPE OF SERVICE TO BE OFFERED TO CHILDREN AND PARENTS, AGES OF CHILDREN TO BE SERVED, HOURS OF OPERATION, NUMBER AND TYPE OF MEALS AND SNACKS TO BE SERVED, ADMISSION REQUIREMENTS AND ENROLLMENT PROCEDURES, AND PROVISION FOR EMERGENCY MEDICAL CARE. IF, AFTER BEING LICENSED, AN AGENCY WISHES TO CHANGE THE SCOPE OR TYPE OF SERVICE IT OFFERS TO CHILDREN AND FAMILIES, IT MUST FORWARD AN AMENDED STATEMENT TO THE DEPARTMENT FOR APPROVAL PRIOR TO IMPLEMENTATION.

THE ORGANIZATION OF EVERY DAY CARE CENTER MUST BE SUCH THAT LEGAL AND ADMINISTRATIVE RESPONSIBILITY IS CLEARLY DEFINED.

IN A NONPROFIT AGENCY, THE ADMINISTRATIVE RESPONSIBILITY MUST BE PLACED WITH A GOVERNING BOARD.

A center should have an administrative board of directors or an advisory committee which should hold regular meetings at least once each quarter.

There should be a plan for periodic change of board or committee composition to assure maintenance of active, enlightened, and effective administration, with continuity of purpose and long-range goals as well as new points of view.

Parents should be included on the board or advisory committee.

THE CURRENT LICENSE TO OPERATE A DAY CARE CENTER MUST BE PLACED WHERE ANYONE ENTERING THE CENTER WILL BE ABLE TO SEE IT.

33

1240-4-3.03 Staff - Responsibility for Staff.

The board or owner of the day care center is responsible for the character and suitability of all staff employees or volunteers who work with the children. It is desirable to have both men and women on the staff.

The director, with the guidance of the board or owner of the center, is responsible for staff and program, and is in charge of the center.

TO BE DESIGNATED AS SUCH, THE DIRECTOR OF A DAY CARE CENTER (AT A SINGLE SITE) MUST BE IN THE CENTER AT LEAST HALF OF THE TOTAL HOURS OF OPERATION.

TO BE DESIGNATED AS THE DIRECTOR OF A MULTI-SITE DAY CARE PROGRAM, HE/SHE MUST BE EMPLOYED FULL-TIME IN THAT CAPACITY.

AN ADULT AT THE CENTER MUST BE DESIGNATED TO BE IN CHARGE IN THE ABSENCE OF THE DIRECTOR.

312. Telephone

1240-4-3-.08 Physical Facilities.

THERE MUST BE A TELEPHONE IN THE CENTER FOR USE IN EMERGENCIES AND FOR OTHER COMMUNICATIONS.

THESE TELEPHONE NUMBERS MUST BE POSTED NEAR THE TELEPHONE: FIRE DEPARTMENT, POLICE DEPARTMENT, HOSPITAL, AND NUMBERS WHERE PARENTS CAN BE REACHED. RESCUE SQUAD, AMBULANCE, AND POISON CONTROL CENTER TELEPHONE NUMBERS MUST ALSO BE POSTED IF AVAILABLE IN THE COMMUNITY.

313. Proof of Operator Financial Capabilities

1240-4-3-.02 Organization and Administration - Finances.
ADEQUATE FINANCING OF THE CENTER'S OPERATION MUST BE MAINTAINED. AN ANNUAL OPERATING BUDGET (EITHER PROJECTED OR ACTUAL), INCLUDING A STATEMENT OF INCOME AND EXPENDITURES, MUST BE MADE AVAILABLE TO THE LICENSING COUNSELOR UPON REQUEST AND SHALL BE CONFIDENTIAL.

314. Insurance

1240-4-3-.08 Physical Facilities - Insurance.
Liability insurance to protect the center and caregivers should be provided.

Accident insurance covering children while in the center should be provided.

320. PERSONNEL

321. Publication of Personnel Policies

1240-4-3.03 Staff - Personnel Policies.
It is recommended that each employee at the time of appointment receive in writing a statement of personnel policies, which are reviewed annually with each employee, perhaps at the time of evaluation of the employee's work and revised periodically. This statement should cover the following:

Job description.
Designation of the person to whom the employee is responsible.
Conditions of employment:
  Attendance at professional meetings
  Salary
  Hours of work
  Sick leave
  Holidays and vacations

35

Benefits offered (i.e., Social Security coverage, insurance, retirement, etc.)
Mandatory age of retirement

322. Constraints Against Employment

1240-4-3.03 Staff.

A PERSON WHO HAS A HANDICAPPING CONDITION WHICH IS IN ANY WAY HARMFUL TO CHILDREN MUST NOT BE PRESENT WITH THE CHILDREN.

CHILDREN MUST NOT BE LEFT IN THE CARE OF A PERSON WHO HAS BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE OR OF VIOLATING A LAW ENACTED TO PROTECT CHILDREN.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

1240-4-3-.02 Organization and Administration - Records and Reports - Child's Records.

THE FOLLOWING RECORDS MUST BE MAINTAINED AT THE CENTER AND MADE AVAILABLE TO THE LICENSING COUNSELOR UPON REQUEST:

A CURRENT INFORMATION FORM WHICH INCLUDES SOCIAL HISTORY, THE CHILD'S NAME, DATE OF BIRTH, NAME OF PARENT(S) OR GUARDIAN(S), HOME ADDRESS, BUSINESS ADDRESS, PHONE NUMBERS, WORK HOURS, AND THE NAME AND ADDRESS (HOME AND BUSINESS) OF A RESPONSIBLE PERSON TO CONTACT IN AN EMERGENCY IF PARENT(S) CANNOT BE LOCATED PROMPTLY.

NAME, ADDRESS, AND TELEPHONE NUMBER OF A PHYSICIAN TO CALL IN CASE OF AN EMERGENCY.

WRITTEN PERMISSION OF PARENT(S) OR GUARDIAN(S) REGARDING EMERGENCY MEDICAL CARE.

A TRANSPORTATION PLAN, INCLUDING TO WHOM THE CHILD SHALL BE RELEASED.

HEALTH RECORD.

DAILY ATTENDANCE RECORDS FOR EACH CHILD.

A quarterly record of each child's development, and progress in the center should be kept, including such information as observation of behavior, speech, coordination, the way the child learns and responds. His/her functioning should be evaluated initially and quarterly thereafter. This kind of information will be helpful in noting the child's progress, in planning for the child, and in working with his/her parents. Each entry should be signed and dated by the person making the entry.

At least one planned conference per year should be held with the parent(s) regarding the child's progress. The person who conducts the parent conference should write a few notes about the content of the conference, date and sign them, and file them in the child's record.

342. Staff

1240-4-3-.02 Organization and Administration - Records and Reports - Staff Records.

THE FOLLOWING RECORDS MUST BE MAINTAINED AND MADE AVAILABLE TO THE LICENSING COUNSELOR UPON REQUEST:

NAME, BIRTH DATE, ADDRESS, AND TELEPHONE NUMBER OF STAFF MEMBERS.

STATEMENT OF TRAINING AND EXPERIENCE INCLUDING DATES AND PLACES OF DIPLOMAS RECEIVED, OF EXPERIENCE, AND OF CONFERENCES, COURSES, AND WORKSHOPS ATTENDED.

HEALTH RECORDS.

AT LEAST THREE CHECKED AND RECORDED REFERENCES ON ALL STAFF MEMBERS, EXCEPT THOSE EMPLOYED PRIOR TO JANUARY 1, 1980.

DATE OF EMPLOYMENT AND DATE OF SEPARATION.

DAILY ATTENDANCE OF STAFF MEMBERS.

343. Child Eligibility and Enrollment Requirements

POLICIES AND PROCEDURES FOR ADMISSION OF A CHILD TO A DAY CARE CENTER MUST BE SUCH THAT INITIAL AND CONTINUING COMMUNICATION BETWEEN THE FAMILY AND THE AGENCY IS ASSURED.

Since separation may be a crucial experience for the child and parents, it is suggested that arrangements be made for the child to visit the center with his/her parent(s) before admission in order for the child to become familiar with the surroundings, the group, and the person who will be caring for him/her.

When the child is admitted, it is desirable for the parent to stay at the center until the child is able to remain there alone.

A policy statement signed by both the director (or caregiver) and the parent(s) should be given to the parent(s). A signed copy should be in the child's records.

A yearly microhematocrit or hemoglobin test should be made on all children in day care by a physician or local health department to determine if any child is anemic.

All children should visit a health care provider annually.

BEFORE A CHILD IS ACCEPTED FOR CARE, THE CHILD MUST SHOW PROOF OF HAVING BEEN TESTED FOR TUBERCULOSIS (TB) AND IMMUNIZED (OR HAVING BEGUN IMMUNIZATIONS) AGAINST THESE DISEASES: DIPTHERIA, TETANUS, POLIO, MEASLES, RUBELLA, AND PERTUSSIS BY HAVING A CERTIFICATION FORM SIGNED BY THE PHYSICIAN OR REPRESENTATIVE OF THE HEALTH DEPARTMENT. IF A CHILD HAS ANY KNOWN ALLERGIES, THEY MUST BE INDICATED IN THE CHILD'S HEALTH RECORD.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

1240-4-3.03 Staff - Supervision and Grouping of Children.
THE FOLLOWING ADULT-CHILD RATIOS AND GROUP SIZES ARE REQUIRED. (ADULT-CHILD RATIOS AND GROUP SIZES MAY EXCEED REQUIREMENTS UP TO 10%, ROUNDED TO THE NEAREST WHOLE NUMBER, FOR NO MORE FREQUENTLY THAN THREE DAYS PER WEEK.)

Age of Children	Adult-to-Child-Ratio	Maximum Group Size
3 years	1:10	20
4 years	1:15	20
5 years	1:25	25
2-5 years	1:10	18
3-5 years	1:15	20
4-5 years	1:20	20
2-12 years	1:10	10

The following adult-child ratios and group sizes are recommended. Toddlers (15-35 months and ambulatory) and older children may occasionally be grouped together for short periods and for special activities, e.g., outdoor play, early morning.

Age of Children	Adult-to-Child-Ratio	Maximum Group Size
2 years	1:6	10
3 years	1:8	10
4 years	1:10	15
5 years	1:15	15
2-5 years	1:8	15
3-5 years	1:12	15
4-5 years	1:12	15
2-12 years	(Not Recommended)	15

412. Methods of Computing Staff/Child Ratios

1240-4-3.03 Staff - Supervision and Grouping of Children.
WHEN MORE THAN 12 CHILDREN ARE PRESENT, A SECOND ADULT MUST BE ON THE PREMISES.

CLERICAL AND MAINTENANCE STAFF MUST NOT BE INCLUDED IN THE ADULT-CHILD RATIO BUT CAN BE USED AS EMERGENCY SUBSTITUTES IF THEIR DUTIES AND QUALIFICATIONS PERMIT.

IF MEALS ARE SERVED, THE PERSON WHO IS RESPONSIBLE FOR PREPARING MEALS AND WASHING DISHES MUST NOT BE INCLUDED IN THE ADULT-CHILD RATIO WHILE PERFORMING THESE DUTIES.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

1240-4-3.03 Staff - Supervision and Grouping of Children.
A GROUP IS A NUMBER OF CHILDREN WHO INTERACT WITH EACH OTHER AND WITH THE CAREGIVER TO WHOM THEY ARE ASSIGNED IN A SPACE, WHICH IS DIVIDED FROM THE SPACE OF OTHER GROUPS BY A RECOGNIZABLE BARRIER TO DEFINE LIMITS AND TO REDUCE DISTRACTION. GROUPS CAN BE COMBINED OCCASIONALLY FOR SPECIAL ACTIVITIES OF NO MORE THAN 30 MINUTES' DURATION.

EACH GROUP OF CHILDREN MUST HAVE A DESIGNATED AREA, WHICH MAY BE A ROOM OR A SERIES OF ROOMS. IF ONE LARGE ROOM HAS ENOUGH FLOOR SPACE THAT CAN BE DIVIDED, IT CAN BE USED FOR MORE THAN ONE GROUP.

EACH GROUP OF CHILDREN MUST HAVE ADULT SUPERVISION AT ALL TIMES. IF MORE THAN ONE ADULT IS ASSIGNED TO A GROUP OF CHILDREN, ONE MUST BE DESIGNATED AS THE LEAD CAREGIVER.

ARRANGEMENTS MUST BE MADE FOR CAREGIVER TO CALL A SECOND ADULT IN AN EMERGENCY WITHOUT HAVING TO LEAVE THE GROUP.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

1240-4-3.03 Staff - Staff Qualifications.
EACH CAREGIVER MUST BE AT LEAST 18 YEARS OF AGE.

512. Health

1240-4-3-.06 Health - Staff Health.
ALL STAFF MEMBERS MUST HAVE ON FILE BEFORE BEGINNING TO WORK WRITTEN EVIDENCE OF A PHYSICAL EXAMINATION AND STATEMENT THAT THEIR GENERAL PHYSICAL CONDITION WILL PERMIT THEM TO DIRECT AND ACTIVELY PARTICIPATE IN THE ACTIVITIES OF A GROUP OF CHILDREN. THIS RECORD MUST BE SIGNED BY A PHYSICIAN OR A HEALTH AGENCY.

AN UPDATED STATEMENT OF ANY STAFF MEMBER'S HEALTH MUST BE OBTAINED UPON DEPARTMENT REQUEST WHEN IT IS DEEMED NECESSARY.

EACH STAFF MEMBER MUST PRESENT WRITTEN EVIDENCE OF A YEARLY TUBERCULIN SKIN TEST OR CHEST X-RAY WITH NEGATIVE RESULTS.

ADULTS, VOLUNTEERS, AND OTHERS WHO ARE IN CONTACT WITH THE CHILDREN AS OFTEN AS ONCE A WEEK MUST PRESENT WRITTEN EVIDENCE OF A YEARLY TUBERCULIN SKIN TEST OR CHEST X-RAY WITH NEGATIVE RESULTS.

All caregivers and their helpers should have a complete physical examination annually.

513. Education

See 514. Experience

514. Experience

1240-4-3.03 Staff - Staff Qualifications.

The personal qualifications of all staff members should include the physical stamina to keep up with active, young children; emotional stability; capacity to enjoy children and view objectively and sympathetically their feelings and needs so that the children can look to them for protection, help, and understanding; ability to deal with undesirable behavior in a firm, constructive, nonpunitive way; capacity for and interest in learning more about children and how to work with them; understanding of their responsibility to safeguard children and the ability to use good judgment in emergencies; capacity for pleasant and cooperative relationships with other adults. Day care centers which employ or use the services of professional staff such as physicians, nurses, psychologists, psychiatrists, and social workers should select persons who meet professional standards in their fields.

EACH GROUP MUST HAVE AT LEAST ONE CAREGIVER PRESENT WHO HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

VOCATIONAL SCHOOL STUDENTS IN CHILD DEVELOPMENT 16 AND 17 YEARS OF AGE MUST BE SUPERVISED BY AN OLDER PERSON WHO IS IN THE SAME ROOM WHEN COUNTED IN THE ADULT-CHILD RATIO.

Achievement of a graduate degree in early childhood education or child development or related fields.

OR

Graduation from an accredited four-year college or university with a major in early childhood education, child development, or related fields.

OR

Associate degree in early childhood education, child development, or related fields.

OR

Post high school credit in early childhood education, child development, or related fields; two years of child development or early childhood education in vocational high school; or at least one year of college credit.

High-school diploma or equivalent.

Caregivers should have had work experience with a group of young children in a day care center, nursery school, kindergarten, or elementary school grades one, two, or three.

Caregivers should attend at least six clock hours of workshops in child development, early childhood education, or related subjects each year; or caregivers should take a course (at least three hours of academic credit) in child development, early childhood education, or related subjects each year.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 511. Health

523. Education

1240-4-3.03 Staff - Staff Qualifications.
For most positions it is desirable to employ persons with specialized training. The educational requirements and recommendations are as follows:
THE DIRECTOR MUST HAVE ACHIEVED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT AND TWO YEARS OF WORK EXPERIENCE WITH YOUNG CHILDREN,

OR

THE DIRECTOR MUST HAVE GRADUATED FROM AN ACCREDITED FOUR-YEAR COLLEGE OR UNIVERSITY.

Achievement of a graduate degree in early childhood education or administration.

OR

Graduation from an accredited four-year college or university with a major in early child-hood education, nursery school education, child development, or adminstration.

OR

Three year college credit, or degree in a related field, from an accredited four-year college or university.

OR

Associated degree in child development or early childhood education.

OR

Post high school credit in child development, early childhood education, or administration; two years of child development in vocational high school; or at least one year of college credit.

The director should have had experience as a director of a day care center or as a teacher of a group of young children in a day care center, nursery school, kindergarten, or elementary school grades one, two, or three.

The director should attend at least six clock hours of workshops in administration, child development, or early childhood education each year; or three quarter hours academic credit in administration, child development, or early child education each year.

524. Experience
See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

1240-4-3.03 Staff - Staff Qualifications.
The educational requirements and recommendations are as follows:
MAINTENANCE STAFF AND COOK - MUST BE PHYSICALLY AND MENTALLY CAPABLE OF PERFORMING SATISFACTORILY IN THEIR RESPECTIVE POSITIONS.

VOLUNTEERS AND PRACTICUM STUDENTS - MUST BE PHYSICALLY AND MENTALLY CAPABLE OF PERFORMING SATISFACTORILY IN THEIR RESPECTIVE POSITIONS. IF VOLUNTEERS ARE USED TO MEET THE RECOMMENDED ADULT-CHILD RATIOS, THEY MUST MEET CAREGIVERS QUALIFICATIONS AND MUST WORK ON A REGULARLY SCHEDULED BASIS.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

1240-4-3-.05 Indoor Program.

EACH DAY'S ROUTINE MUST BE PLANNED TO PROVIDE THE REGULARITY THAT AFFORDS SECURITY TO A CHILD.

THERE MUST BE A BALANCE BETWEEN FREE-CHOICE AND ADULT-DIRECTED ACTIVITIES.

THERE MUST BE A BALANCE BETWEEN PERIODS OF VIGOROUS ACTIVITY AND QUIET PLAY OR REST FOR THE CHILDREN.

A daily program should provide opportunities for learning, self-expression, and participation in a variety of creative activities, such as art, music, literature, dramatic play, science and health.

High priority should be given to language development, concept development, the development of social skills, independence, and a wide variety of learning experiences appropriate to the ages of the children served (field trips, unit lesson planning, cooking, water play, carpentry).

Indoor physical activities, requiring children to use both large and small muscles, should be provided for children of each age group.

Special consideration should be given to early morning and late afternoon activities that will help children cope with possible unhappiness over separation from parents and the usual end-of-day fatigue.

A small, quiet area away from the general activities, but within sight of a caregiver, should be provided. All children have times when they need occasional periods of solitude.

Written program plans should be prepared and implemented for each group.

A good quality day care program should provide for parent involvement, which may include using parents as volunteers and having regular parent meetings that focus on both educational and social objectives, as a means of strengthening family life.

A nutrition education activity is recommended one time per week in order to help develop positive feeling toward a variety of foods and to assist in the development of good life-long eating habits. (Examples: stories concerning food, field trips, food tasting parties, growing food, preparing or making a food, introduction of new foods, drawings concerning food, discussing one's favorite foods, games concerning food, etc. Check with the nutritionist and/or the NIPS publication for other ideas.

EXCEPT UNDER EXTREME WEATHER CONDITIONS, THERE MUST BE AN OPPORTUNITY FOR OUTDOOR PLAY FOR CHILDREN WHO ARE IN CARE FOR LONGER THAN THREE CONSECUTIVE HOURS.

Children should be allowed to choose among outdoor activities. Most of the activities children enjoy indoors, such as art, can also be enjoyed outdoors. In seasons when the children spend longer periods of time outdoors, the center should provide a greater variety of activities outdoors so that children's interest will be stimulated.

612. Program Equipment and Materials

1240-4-3-.04 Equipment for Children.
Chairs and tables should be of a size appropriate to the body measurements of children.

EQUIPMENT MUST BE SUFFICIENT TO PROVIDE FOR QUIET AND ACTIVE PLAY NEEDS OF ALL CHILDREN.

EACH CENTER MUST BE EQUIPPED WITH ENOUGH TOYS AND PLAY APPARATUS TO TAKE CARE OF THE NEEDS OF THE TOTAL GROUP AND TO PROVIDE EACH CHILD WITH A VARIETY OF ACTIVITIES THROUGHOUT THE DAY. THIS EQUIPMENT MUST BE EASILY ACCESSIBLE TO THE CHILDREN SO THAT THEY ARE ENCOURAGED TO DEVELOP INITIATIVE AND INDEPENDENCE.

Each group's space should be arranged to provide centers of interest, i.e., dramatic play, block building, stories, music, art, table games, science, etc. These centers should be separated as widely as possible to distribute children throughout the area. Pieces of equipment most often used together should be placed together.

Open floor space should be provided for block-building and rhythms. Painting and similar activities should be near washing facilities. Quiet activities should take place away from avenues of traffic.

Equipment should be selected to provide for a variety of experiences and should include:

Building materials — unit blocks, carpentry tools, and wood.

Transportation and wheel toys.

Dramatic play materials, such as dolls, housekeeping toys, costume box, medical kits.

Manipulative play materials, such as puzzles, peg boards, and nested blocks.

Creative materials, including easels, paints, finger paints, clay and crayons, scissors, paste, and paper.

Literature, including story and picture books, and children's poetry.

Music, including records and rhythm instruments.

Living things and natural science, such as plants, aquarium with fish, and appropriately caged pets.

THERE MUST BE EQUIPMENT AVAILABLE OUTDOORS TO DEVELOP BOTH LARGE AND SMALL MUSCLES. THE AGE LEVELS, ABILITIES, AND SAFETY OF CHILDREN MUST BE CONSIDERED IN EQUIPPING OUTDOOR PLAY AREAS. THERE MUST BE ENOUGH EQUIPMENT SO THAT EACH CHILD CAN TAKE PART IN A VARIETY OF ACTIVITIES.

Outdoor equipment should be selected to provide for a variety of experiences and should include:

Some equipment which encourages children to learn to climb safely.

Equipment for water play; sand or dirt for the children to play with.

Child-size wheel toys for riding.

Balls of various sizes.

613. Nap Provision

1240-4-3.03 Staff - Special Requirements for Nap Time Supervision.
AT NAP TIME, AFTER THE CHILDREN HAVE SETTLED DOWN, THE ADULT-CHILD RATIO MAY BE RELAXED SO LONG AS THE CHILDREN ARE ADEQUATELY PROTECTED AND ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

THERE MUST BE AT LEAST ONE ADULT ON DUTY IN EACH NAP ROOM.

THERE MUST BE 30 SQUARE FEET OF FLOOR SPACE PER CHILD IN EACH NAP ROOM.

THE ADULT-CHILD RATIO CAN BE 50% OF THE REQUIRED RATIO IF THERE ARE ENOUGH ADULTS ON THE PREMISES SO THAT THE ADULT-CHILD RATIO REQUIRED FOR CHILDREN WHEN THEY ARE AWAKE CAN BE MET IMMEDIATELY IN AN EMERGENCY.

1240-4-3-.04 Equipment for Children - General.
IF PRESCHOOL CHILDREN ARE IN CARE AS LONG AS SIX HOURS, A CLEAN COT OR FOAM PAD MUST BE PROVIDED FOR EACH CHILD TO HAVE A RECLINING REST PERIOD. A CLEAN COVERLET MUST ALSO BE PROVIDED FOR EACH CHILD.

1240-4-3-.05 Nap Time.
IF PRESCHOOL CHILDREN ARE IN CARE FOR AS LONG AS 6 HOURS, THEY MUST HAVE A RECLINING REST PERIOD OF AT LEAST ONE HOUR AFTER THE MID-DAY MEAL. A CHILD MUST NOT BE LEFT IN A CRIB OR ON A COT FOR A VERY LONG TIME AFTER HE/SHE HAS RESTED.

The center staff should create a restful atmosphere at nap time by remaining with their own groups until children have settled down; by lowering the noise level in the facility, perhaps by playing soft music; and by dimming the light in the nap room. Children who want to have a favorite toy or special item to hold or cuddle at nap time should be permitted to do so. Since rest needs of children vary, quiet activities should be provided when children awaken early.

614. Discipline and Guidance

1240-4-3-.05 Discipline.
DISCIPLINE MUST BE CONSISTENT, REASONABLE, AND APPROPRIATE TO A CHILD'S UNDERSTANDING AND NEED. PUNISHMENT MUST NOT BE RELATED TO FOOD, REST OR TOILETING; INJURIOUS PUNISHMENT MUST NOT BE USED. THE CAREGIVER MUST INFORM THE PARENT OF METHODS OF DISCIPLINE TO BE USED.

SPANKING IS NOT THE PREFERRED MEANS OF DISCIPLINE AND MUST NOT BE USED WITHOUT PRIOR WRITTEN CONSENT OF THE PARENT(S) OR GUARDIAN. HOWEVER, IF PARENT(S) AND CAREGIVER AGREE THAT SPANKING IS ACCEPTABLE, THE FOLLOWING CONDITIONS MUST PREVAIL:

> THE AGENCY MUST HAVE WRITTEN CONSENT FOR SPANKING (OPEN HAND ON BUTTOCKS) ON FILE IN THE CHILD'S RECORD PRIOR TO THE SPANKING. THE CONSENT FORM MUST BE SIGNED AND DATED BY THE PARENT(S) OR GUARDIAN.

SPANKING MUST NOT BE ADMINISTERED TO A CHILD IN THE PRESENCE OF OTHER CHILDREN.

SPANKING MUST NOT BE ADMINISTERED UNLESS A SECOND ADULT IS PRESENT.

Caregivers should offer encouragement and praise of good behavior, rather than focusing attention on unacceptable behavior.

Spanking should not be used.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 343. Child Eligibility and Enrollment Requirements, and 715. Daily Illness Screening

713. Immunizations

1240-4-3-.06 Health - Child's Health.
A COPY OF EACH CHILD'S IMMUNIZATION RECORD, WITH DATES OF IMMUNIZATIONS AND RESULTS OF THE TB TEST, MUST BE ON FILE AT THE CENTER AND AVAILABLE TO THE STAFF. THE HEALTH RECORD MUST STATE WHETHER IMMUNIZATIONS REQUIRED FOR DAY CARE ARE COMPLETE AND, IF NOT COMPLETE, WHEN FUTURE IMMUNIZATIONS MUST BE GIVEN SO THAT THE CHILD WILL BE PROTECTED.

IF IMMUNIZATIONS ARE NOT CONTINUED BY THE PARENT, THE CHILD MUST NOT REMAIN IN DAY CARE. THE HEALTH RECORD SHALL BE RETURNED TO THE PARENT UPON REQUEST WHEN THE CHILD LEAVES THE DAY CARE CENTER.

714. Sanitation

1240-4-3-.08 Physical Facilities - General.
Sanitary drinking water should be available outdoors.

715. Daily Illness Screening

1240-4-3-.06 Health - Child's Health.
CHILDREN MUST BE CHECKED UPON ARRIVAL AND OBSERVED FOR SIGNS OF COMMUNICABLE DISEASE DURING THE DAY. ANY CHILD SHOWING OR DEVELOPING SYMPTOMS OF FRESH COLD, SORE THROAT, INFLAMMATION OF THE EYES, FEVER, RASH, OR DIARRHEA MUST BE EXCLUDED FROM THE GROUP UNTIL THE PARENT CAN CALL FOR HIM/HER, OR UNTIL OTHER ARRANGEMENTS ARE MADE FOR CARE ELSEWHERE. A DAY CARE CENTER CAN PROVIDE CARE FOR A CHILD WITH DIAGNOSED COMMUNICABLE DISEASE OR OBVIOUS ACUTE ILLNESS ONLY UNDER THE WRITTEN DIRECTION OF A LICENSED PHYSICIAN.

716. Care of Sick Children

1240-4-3-.06 Health - Child's Health.
PARENTS OF EVERY CHILD ENROLLED MUST BE NOTIFIED WHEN A COMMUNICABLE DISEASE HAS BEEN INTRODUCED INTO THE DAY CARE CENTER.

717. Medication and Special Diet Provisions

1240-4-3-.06 Health - Child's Health.
MEDICATION MUST NOT BE ADMINISTERED TO A CHILD BY THE CENTER STAFF EXCEPT UNDER THE DIRECTION OF A PHYSICIAN OR WITH THE PARENT'S WRITTEN AUTHORIZATION. MEDICATIONS OR DRUGS MUST BE LABELED WITH THE CHILD'S NAME AND SPECIFIC INSTRUCTIONS FOR ADMINISTERING THEM.

718. Waiver of Health Requirements

1240-4-3-.06 Health - Child's Health.
EXCEPTIONS TO HEALTH REQUIREMENTS MAY BE MADE ONLY IF:

> THE CHILD'S PHYSICIAN OR THE HEALTH DEPARTMENT PROVIDES A SIGNED AND DATED STATEMENT, GIVING A MEDICAL REASON WHY THE CHILD SHOULD NOT BE GIVEN A SPECIFIED IMMUNIZATION.
>
> THE CHILD'S PARENT OR GUARDIAN IS A MEMBER OF A CHURCH WHICH HAS AS A PART OF ITS RELIGIOUS DOCTRINE THE BELIEF THAT CHILDREN SHOULD NOT BE IMMUNIZED, AND THE HEAD OF THE CHURCH PROVIDES A SIGNED STATEMENT ATTESTING TO THE BELIEF OF THE CHURCH AND THE FAMILY'S MEMBERSHIP IN THE CHURCH.

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

1240-4-3-.02 Organization and Administration - Transportation.
IF A CENTER PROVIDES TRANSPORTATION, IT MUST RECOGNIZE ITS FULL RESPONSIBILITY FOR THE CHILD BETWEEN HOME AND CENTER AND ON FIELD TRIPS. THE DRIVER MUST BE DULY LICENSED, AND THE OWNER OF THE VEHICLE MUST CARRY ADEQUATE LIABILITY INSURANCE.

THE DRIVER MUST BE SUBJECT TO THE SAME HEALTH REQUIREMENTS AS OTHER STAFF MEMBERS.

CHILDREN MUST NOT BE LEFT ALONE IN A VEHICLE.

A MINIMUM OF 10 INCHES SEAT SPACE PER CHILD IS REQUIRED IN A VEHICLE TRANSPORTING CHILDREN.

CHILDREN MUST NOT SPEND MORE THAN 90 MINUTES IN A VEHICLE ON ANY ONE TRIP, WITH THE EXCEPTIONS OF THOSE IN A PROGRAM FOR CHILDREN WITH SPECIAL NEEDS OR ON FIELD TRIPS.

An aide or helper should ride the bus (or other vehicle) when 8 or more children are being transported.

724. Safety Requirements for Equipment

1240-4-3-.04 Equipment for Children - General.
DAMAGED EQUIPMENT MUST BE REPAIRED OR REMOVED PROMPTLY.

SUPPORTS FOR CLIMBING AND LARGE EQUIPMENT MUST BE SECURELY ANCHORED TO THE GROUND.

PLACEMENT OF EQUIPMENT MUST BE PLANNED TO AVOID THE DANGER OF COLLISION AND ACCIDENTS.

IF THE PLAYGROUND HAS CLIMBING EQUIPMENT OR SWINGS, THE PLAY SURFACE UNDER SUCH EQUIPMENT MUST NOT BE CONCRETE OR ASPHALT BUT MUST BE GRASS, COARSE SAND, WOOD CHIPS, OR OTHER RESILIENT SURFACE.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

1240-4-3-.06 Health - First Aid.
At least one staff member should have completed a minimum 3-hour first aid course or a Red Cross 8-hour first aid course taught by a certified instructor within the last three years.

The first aid chart, "When the Unexpected Happens," available from the Tennessee Department of Human Services, should be posted, and the child care provider should be familiar with its contents. A first-aid kit, containing thermometer, cold pack, bandages, and other approved items, should be available.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

1240-4-3-.07 Food.
Children should be encouraged to try new foods. Meals and snacks should be spaced by two hours for optimum acceptability, and the afternoon snack should not be served for at least 15 minutes after nap time is completed.

The person responsible for meal planning in the center should have a copy of "Food Service for Child Care Centers" and be familiar with it.

FOR CHILDREN IN THE CENTER AT LEAST THREE HOURS, ONE SNACK (DEFINED AS A BREAD PRODUCT AND DRINK OR FRUIT) MUST BE PROVIDED, UNLESS THE THREE-HOUR PERIOD COVERS A NORMAL MEAL HOUR, IN WHICH CASE A MEAL MUST BE PROVIDED.

FOR CHILDREN IN THE CENTER FIVE TO TEN HOURS, ONE MEAL (TO INCLUDE AS MINIMUM: MEAT OR MEAT SUBSTITUTE, VEGETABLE AND/OR FRUIT, AND MILK) AND ONE OR TWO SNACKS MUST BE PROVIDED, TWO SNACKS IF THE PERIOD IS AS MUCH AS SEVEN HOURS.

FOR THOSE IN THE CENTER LONGER THAN TEN HOURS, TWO MEALS AND TWO SNACKS MUST BE FURNISHED. THERE MUST BE NO MORE THAN FOURTEEN HOURS BETWEEN MEALS AND SNACKS FOR CHILDREN IN NIGHT-TIME CARE.

MINIMUM SERVING SIZES FOR MEALS AND SNACKS MUST BE AT LEAST THAT OF THE SMALLER RECOMMENDED SIZES.

DIETS OF INFANTS AND OTHER SPECIAL DIETS MUST BE PREPARED AS PRESCRIBED BY THE PHYSICIAN.

BREAKFAST (DEFINED AS THE MORNING MEAL AND CONSISTING OF FRUIT OR JUICE, CEREAL OR EGG, AND MILK) MUST BE OFFERED TO CHILDREN WHO ARRIVE BEFORE 7:00 A.M. AND WHO HAVE NOT HAD BREAKFAST AT HOME.

THE WEEK'S MENUS MUST BE PLANNED AND POSTED BY THE FIRST DAY OF EACH WEEK SO THAT PARENTS CAN KNOW THE FOOD THEIR CHILDREN ARE RECEIVING. THESE MENUS MUST BE FOLLOWED, ALTHOUGH REASONABLE SUBSTITUTIONS ARE PERMISSIBLE IF THE SUBSTITUTED FOOD CONTAINS THE SAME NUTRIENTS.

Meals and snacks should include a Vitamin C food each day, a Vitamin A food three times or more a week, and foods rich in iron at least one time per day.

The following meal pattern should be used as a guide for breakfast:

1/3 to 1/2 cup fruit or full-strength fruit or vegetable juice.

1/4 to 1/2 cup whole grain or enriched or fortified cereal (cooked or prepared), bread (1/2 to 1 slice) or equivalent, and/or one egg.

3/4 to 1 cup (i oz.) milk, part to drink and part on cereal.

The following meal pattern should be used as a guide for the noon meal:

1 to 2 ounces (edible portion) of meat or egg or cheese (dried beans or peanut butter not more than once a week as a substitute).

Fruits and vegetables amounting to 1/2 cup or more combined.

1/2 to 1 slice enriched or whole grain bread equivalent.

3/4 to 1 cup (8 oz.) milk.

Additional foods to complete the meal such as other vegetable or rice, macaroni or spaghetti, butter or fortified margarine, simple desserts such as fruit, puddings or custard.

Snacks provided should be simple and nourishing and planned as a part of the day's food allowances. Carbonated drinks, fruitades, synthetic fruit-flavored drinks, and candy should not be served as snack foods. Preferred bread products are plain crackers and breads, vanilla wafers, and cereals that are made from enriched flour or meal. Real juice will be labeled "juice."

Food patterns for snacks:

Morning:
1/2 cup fruit or vegetable, or full-strength fruit or vegetable juice, or milk.

Bread product.

Afternoon:
1/2 cup fruit or vegetable, or full-strength fruit or vegetable juice, or milk.

Bread product.

At least one full-time staff member should have completed a minimum nutrition course or workshop at least every 5 years.

A 4-week cycle menu should be prepared and used.

The person responsible for meal planning should obtain assistance from a qualified nutritionist or dietitian (a member of or eligible for membership in the American Dietetic Association). These services may be requested from the Department of Public Health, local colleges, universities, or hospitals, etc.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

1240-4-3-.07 Food - Meal Service.
At mealtime, the children should be seated at low tables in child-sized chairs. The children should have the opportunity to use forks and spoons at mealtime. Napkins should also be a part of the place-setting.

Adults (except those on special diets) should eat the same food as the children. Adults should sit at the table with the children.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

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1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

1240-4-3-.10 Care of Infants and Toddlers (0-35 Months).
In a good quality day care center for infants and toddlers, the activities should reflect knowledge and understanding of the special needs, growth, and development of very young children. A preplacement visit to the center by the child and his/her parent(s) or guardian(s) is desirable in order to make entering day care easier for the child.

Activities should be relaxed and flexible providing a stimulating environment, yet retaining a family-like atmosphere. Such activities need to provide experiences in language development, dramatic play, stories, music, use of creative media, free activity periods, outdoor play, and the opportunity to explore many materials, situation, and roles. Since play is the child's way of learning, toys and play equipment, carefully selected for this age group, should encourage and stimulate interest and positive growth.

Efforts should be made to help infants and toddlers develop a feeling of self-worth. Encouragement and praise of good behavior is more effective than focusing attention on unacceptable behavior. With this age group, it is often effective to substitute a desirable activity for an undesirable activity or to distract the child's attention from the undesirable activity. When limits need to be imposed, it is desirable that they be accompanied by understanding explanations. Should denial of privileges be utilized as a management technique, it must not be related to food, rest, toilet training, or outdoor play. When this age child displays troubled behavior, rocking can be a very soothing and reassuring means of quieting him/her.

FOR THE PURPOSE OF IMPLEMENTATION OF THESE STANDARDS, THE TERM INFANT IS DEFINED AS A CHILD WHO IS LESS THAN 15 MONTHS OLD AND NON-AMBULATORY, AND TODDLER IS DEFINED AS A CHILD BETWEEN 15 AND 35 MONTHS AND AMBULATORY.

A CHILD MUST BE AT LEAST SIX WEEKS OLD BEFORE BEING ACCEPTED IN A CENTER. PRIOR TO ADMISSION OF THE CHILD, THE CENTER MUST HAVE A COMPLETED APPLICATON AND A HEALTH RECORD.

ADULT-CHILD RATIO AND GROUPING CENTERS ELECTING TO GIVE CARE TO INFANTS AND TODDLERS MUST HAVE ENOUGH ADULTS TO PROVIDE EACH CHILD WITH THE KIND OF CARE THAT WILL MEET THE REQUIREMENTS IN THIS SECTION OF THE STANDARDS.

Age of Children	Adult-Child Ratio MUST BE	Adult-Child Ratio SHOULD BE	Max. Size of Group
Under 15 mos.	1:5	1:4	10
15 - 35 months	1:8	1:6	16
Combination: 6 Wks.- 35 mos.	1:6	1:4	12

WHEN INFANTS AND TODDLERS ARE CARED FOR IN A CENTER WITH OLDER CHILDREN, A SEPARATE AREA MUST BE PROVIDED FOR THEM. TODDLERS AND OLDER CHILDREN MUST BE GROUPED TOGETHER FOR SHORT PERIODS AND SPECIFIC ACTIVITIES ONLY.

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EQUIPMENT - THERE MUST BE A CRIB OR COT ASSIGNED TO EACH CHILD. COTS OR FOAM PADS ARE ACCEPTABLE FOR CHILDREN WHO ARE AT LEAST 15 MONTHS OLD. MATTRESSES MUST BE COVERED WITH SAFE, WATERPROOF MATERIAL. A CLEAN SHEET AND COVERLET MUST BE PROVIDED FOR EACH CRIB, COT, OR FOAM PAD.

THERE MUST BE APPROPRIATE FURNITURE FOR THE CHILDREN. CHAIRS AND TABLE SPACE MUST BE PROVIDED FOR THOSE WHO CAN EAT AT A TABLE. HIGH CHAIRS MUST BE PROVIDED FOR THOSE WHO NEED THEM. LOW SHELVES WITHIN EASY REACH OF THE CHILDREN MUST BE PROVIDED FOR STORAGE OF PLAY MATERIALS.

EQUIPMENT AND SPACE MUST BE PROVIDED FOR CLIMBING, CRAWLING, AND PULLING WITHOUT THE RESTRAINT OF PLAYPENS OR CRIBS.

RECORDS - THE SAME RECORDS MUST BE KEPT ON INFANTS AND TODDLERS AS ON OTHER CHILDREN IN THE CENTER. IN ADDITION, INFORMATION MUST BE KEPT AND SHARED WITH PARENTS ON EACH CHILD'S DAILY ACTIVITIES, INCLUDING FEEDING, ELIMINATION, AND DEVELOPMENTAL PROGRESS.

ADULT-CHILD ACTIVITIES - EACH CHILD MUST BE ASSIGNED TO A SPECIFIC ADULT AND MUST HAVE SPECIAL ATTENTION OF THIS ADULT IN ADDITION TO FEEDING AND DIAPERING TIME.

THE ENCOURAGEMENT OF SPOKEN AND GESTURED LANGUAGE MUST BE GIVEN A HIGH PRIORITY.

PHYSICAL CARE - EACH CHILD MUST BE ALLOWED TO FORM HIS OWN PATTERNS OF SLEEP. THE CHILD MUST NOT BE LEFT IN A CRIB OR ON A COT FOR VERY LONG PERIODS AFTER HIS REST IS COMPLETED.

CHILDREN MUST BE ALLOWED TIME ON THE FLOOR OUT OF THE CRIB OR PLAYPEN. PHYSICAL PUNISHMENT MUST NOT BE USED WITH CHILDREN UNDER 15 MONTHS AND WHO ARE NOT WALKING OR CRAWLING. IF CHILDREN OVER 15 MONTHS ARE SPANKED, STANDARDS FOR CARE OF PRESCHOOL CHILDREN (Section 1240-4-3-.05 (2), (a)) MUST BE MET.

TOILET TRAINING - TOILET TRAINING MUST NEVER BE BEGUN IMMEDIATELY UPON ADMISSION OF THE CHILD TO THE CENTER. TOILET TRAINING MUST BE DELAYED UNTIL THE CHILD IS ADJUSTED TO STAYING AT THE CENTER AND IS ABLE TO UNDERSTAND, COOPERATE, AND COMMUNICATE HIS NEED TO USE THE BATHROOM.

CHILDREN MUST NOT BE FORCED TO SIT ON THE POTTY FOR MORE THAN FIVE MINUTES.

CHILDREN MUST BE DIAPERED AND CLEANED WHEN NEEDED.

1120. HEALTH AND SAFETY REQUIREMENTS

1240-4-3-.10 Care of Infants and Toddlers (0-35 Months) Equipment.
TOYS WHICH ARE SMALL ENOUGH OR WHICH HAVE PARTS SMALL ENOUGH TO BE INHALED OR SWALLOWED MUST NOT BE ACCESSIBLE TO INFANTS AND TODDLERS.

A TIGHTLY COVERED CONTAINER WITH PLASTIC LINER MUST BE USED FOR DIAPER DISPOSAL AND STORED INACCESSIBLE TO TODDLERS. THIS CONTAINER MUST BE EMPTIED A MINIMUM OF TWICE DAILY WITH PLASTIC LINERS TIED AT THE TOP AND DISPOSED OF INTO THE OUTSIDE GARBAGE RECEPTACLE.

IF INFANTS ARE TRANSPORTED BY THE CENTER, FEDERALLY APPROVED INFANT CAR SEATS MUST BE PROVIDED.

BEFORE AN INFANT OR TODDLER IS ACCEPTED FOR CARE, PROOF OF THE CHILD'S PHYSICAL EXAMINATION WITHIN THREE MONTHS OF ADMISSION MUST BE PROVIDED.

1130. INFANT NUTRITION

1240-4-3-.10 Care of Infants and Toddlers (0-35 Months) - Nutrition.
MEALS AND SNACKS IN THE INFANT/TODDLER CARE CENTER MUST BE PLANNED IN RELATION TO THE 24-HOUR NEEDS OF THE CHILD AND SHALL PROVIDE, DURING THE HOURS HE/SHE IS IN CARE, A SUBSTANTIAL PORTION OF THE TOTAL DAILY FOOD REQUIREMENTS.

Unless otherwise specified by either parent or guardian, each child should be fed in accordance with the pamphlet published by the Tennessee Department of Public Health entitled, "Food for Infants."
If specific instructions for feeding are given by the parent or guardian, the agency should follow their instructions. Specific instructions shall apply to that particular child. However, if staff feels these instructions do not provide for adequate nutrition, there should be consultation with the child's parents, a public health nurse or public health nutritionist, or the child's physician. When introducing new foods to infants and toddlers, foods should be introduced one at a time over a five-to-seven-day period. When possible, food should be home-prepared as opposed to commercially processed baby foods.

THE CHILD MUST BE HELD WHILE HE/SHE IS FED AS LONG AS HE/SHE IS UNABLE TO SIT IN A HIGH CHAIR, AN INFANT SEAT, OR AT THE TABLE, AND MUST BE TALKED TO WHILE FEEDING. BOTTLES MUST NEVER BE PROPPED.

SOLID FOODS MUST NOT BE GIVEN IN BOTTLES OR WITH INFANT FEEDERS TO CHILDREN WITH NORMAL EATING ABILITIES.

AN INDIVIDUAL SPOON AND DISH MUST BE USED FOR EACH CHILD.

WHEN DISHES ARE USED, THEY MUST BE UNBREAKABLE. WHEN A CHILD CAN USE A HIGH CHAIR, HE/SHE MUST BE ALLOWED TO DO SO AND TO EXPERIMENT WITH FINGER FOODS AND WITH FEEDING HIMSELF/HERSELF WITH A SPOON.

THE FEEDING SCHEDULE MUST BE IN ACCORDANCE WITH THE CHILD'S NEED RATHER THAN ACCORDING TO THE HOUR.

FOOD MUST NOT BE FORCED ON OR WITHHELD FROM THE CHILD. DESSERTS AND SWEETS MUST NOT BE USED AS REWARDS BECAUSE OF THE DANGER TO TEETH AND BECAUSE THEY LESSEN THE APPETITE.

ALL FORMULAS AND FOOD BROUGHT FROM HOME MUST BE LABELED WITH THE CHILD'S NAME. MILK MUST BE PLACED IMMEDIATELY IN THE REFRIGERATOR. PREVIOUSLY OPENED BABY FOOD JARS MUST NOT BE ACCEPTED IN THE CENTER.

PARENTS AND CAREGIVERS MUST WORK TOGETHER TO INSURE CONSISTENCY IN THE WEANING PROCESS.

WEANING MUST NOT BE STARTED IMMEDIATELY AFTER ADMISSION TO THE CENTER.

THE CHILD MUST BE FAMILIAR WITH THE CUP OR GLASS PRIOR TO ITS SUBSTITUTION FOR THE BOTTLE.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

1240-4-3-.09 Care of Handicapped Children.
HANDICAPPED CHILDREN ENROLLED IN A DAY CARE CENTER MUST RECEIVE THE SAME CARE AND PARTICIPATE IN THE SAME PROGRAM ACTIVITIES AS THEIR PEERS WITH ADAPTATIONS TO ENABLE THEM TO PARTICIPATE.

ADAPTATIONS TO THE ENVIRONMENT MUST BE DIRECTED TOWARD NORMALIZING THE LIFESTYLE OF THE HANDICAPPED CHILD, MAKING HIM/HER MORE LIKE THE PEERS AND HELPING THE CHILD TO LEARN INDEPENDENCE AND SELF-HELP SKILLS.

1220. HEALTH AND SAFETY REQUIREMENTS

1240-4-3-.06 Health - Child's Health.
IF HANDICAPPED CHILDREN ARE ENROLLED, THEIR HEALTH RECORDS MUST INCLUDE A HEALTH CARE PROVIDER'S STATEMENT WHICH INCLUDES THE PARTICULAR NATURE OF THE HANDICAP AND SPECIAL INSTRUCTIONS TO THE CHILD CARE PROVIDER FOR THE CHILD'S CARE.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

See Day Care Centers
(School Age Children)

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

1240-4-3-.04 Equipment for Children - General - Recommended.
Shelf space, accessible to the children, should be used for orderly storage of toys and supplies.

Individual lockers or separate hooks and shelves for clothing, placed at levels which children can reach with ease, should be provided. Hangers at child height are acceptable for 5-year-olds.

1240-4-3-.08 Physical Facilities - General.
THE CENTER MUST NOT BE LOCATED IN A BUILDING USED FOR OTHER BUSINESS PURPOSES WHICH WOULD BE HAZARDOUS TO THE CHILDREN OR WOULD PROHIBIT OUTDOOR PLAY.

THE BUILDING MUST PROVIDE 30 SQUARE FEET OF USABLE, INDOOR PLAY SPACE PER CHILD, NOT INCLUDING THE RESTROOMS, HALLS, KITCHEN OR OFFICE SPACE.

OUTDOOR PLAY AREAS MUST CONTAIN 50 SQUARE FEET OF SPACE PER CHILD.

Outdoor play space should measure 100 square feet per child.

Indoor play space should measure 35 square feet per child.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

1240-4-3-.08 Physical Facilities - General.

AFTER THE INITIAL APPROVAL BY THE STATE FIRE SAFETY INSPECTOR, BUILDINGS MUST BE INSPECTED AND APPROVED ANNUALLY BY EITHER STATE OR AUTHORIZED LOCAL FIRE SAFETY INSPECTORS AND BY ENVIRONMENTALISTS.

1530. BUILDING

Not specified

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

1240-4-3-.08 Physical Facilities - General.

NEW FACILITIES (INCLUDING PREVIOUSLY UNLICENSED AS WELL AS NEW CONSTRUCTION) MUST BE INSPECTED AND APPROVED INITIALLY BY REPRESENTATIVES FROM THE STATE FIRE SAFETY INSPECTOR'S OFFICE AND THE TENNESSEE DEPARTMENT OF PUBLIC HEALTH. REQUESTS FOR INSPECTIONS ARE MADE BY THE LICENSING COUNSELOR.

NEW FACILITIES OR ADDITIONS TO EXISTING FACILITIES MUST BE CONSTRUCTED ACCORDING TO STANDARDS OF THE ENVIRONMENTAL SANITATION DIVISION OF THE TENNESSEE DEPARTMENT OF PUBLIC HEALTH AND OF THE FIRE PREVENTION DIVISION OF THE TENNESSEE DEPARTMENT OF INSURANCE. PLANS FOR NEW STRUCTURES THAT HOUSE OR ACCOMMODATE 13 OR MORE CHILDREN MUST BE SUBMITTED TO THE FIRE PREVENTION DIVISION OF THE DEPARTMENT OF INSURANCE AND TO THE LOCAL HEALTH DEPARTMENT BEFORE CONSTRUCTION BEGINS.

Except where otherwise noted, all citations are from the Tennessee Department of Human Services, Chapter 1240-4-6 Standards for Day Care Centers Serving School-Age Children, June, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

TENN. CODE ANN §14-10-101 Definitions.
Day Care Center shall mean any place operated by a person, society, agency, corporation, institution, or religious organization, or any group wherein are received for pay thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day without transfer of custody.

112. Exclusions and Exemptions

See DAY CARE CENTERS
(Preschool Children)

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS
(Preschool Children)

122. Responsible Official

See DAY CARE CENTERS
(Preschool Children)

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS
(Preschool Children)

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS
(Preschool Children)

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS
(Preschool Children)

222. Fee Charged

See DAY CARE CENTERS
(Preschool Children)

223. Areas of Investigation

See DAY CARE CENTERS
(Preschool Children)

224. License Renewal

See DAY CARE CENTERS
(Preschool Children)

225. Conditional/Provisional Licenses

See DAY CARE CENTERS
(Preschool Children)

226. Substantial Compliance

See DAY CARE CENTERS
(Preschool Children)

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS
(Preschool Children)

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS
(Preschool Children)

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS
(Preschool Children)

233.2 Decisions

See DAY CARE CENTERS
(Preschool Children)

233.3 Judicial Review

See DAY CARE CENTERS
(Preschool Children)

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

1240-4-6-.02 Organization and Administration - Posting of License.
THE CURRENT LICENSE TO OPERATE A DAY CARE CENTER MUST BE PLACED WHERE ANYONE ENTERING THE CENTER WILL BE ABLE TO SEE IT.

1240-4-6-.03 Staff - Responsibility for Staff.
The board or owner of the day care center is responsible for the character and suitability of all staff employees or volunteers who work with the children. It is desirable to have both men and women on the staff.

The administrator, with the guidance of the board or owner of the center, is responsible for staff and program.

AN ADULT MUST BE DESIGNATED TO BE THE PERSON RESPONSIBLE FOR ADMINISTRATION OF THE SCHOOL AGE PROGRAM. THIS PERSON CAN BE A DIRECTOR OR A TEACHER.

TO BE DESIGNATED AS A DIRECTOR (AT A SINGLE SITE), HE/SHE MUST BE IN THE CENTER AT LEAST HALF OF THE TOTAL HOURS OF OPERATION.

TO BE DESIGNATED AS THE DIRECTOR OF A MULTI-SITE DAY CARE PROGRAM, HE/SHE MUST BE EMPLOYED FULL-TIME IN THAT CAPACITY.

AN ADULT AT THE CENTER MUST BE DESIGNATED TO BE IN CHARGE IN THE ABSENCE OF THE DIRECTOR.

312. Telephone

1240-4-6.08 Physical Facilities - General Requirements.
THERE MUST BE A TELEPHONE IN THE CENTER FOR USE IN EMERGENCIES AND FOR OTHER COMMUNICATIONS.

THESE TELEPHONE NUMBERS MUST BE POSTED NEAR THE TELEPHONE: FIRE DEPARTMENT, POLICE DEPARTMENT, HOSPITAL, AND NUMBERS WHERE PARENTS CAN BE REACHED. RESCUE SQUAD, AMBULANCE AND POISON CONTROL CENTER TELEPHONE NUMBERS MUST ALSO BE POSTED IF AVAILABLE.

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS
(Preschool Children)

314. Insurance

1240-4-6.08 Physical Facilities - Insurance.
Liability insurance to protect the center and caregivers should be provided.

Accident insurance covering children while in the center should be provided.

320. PERSONNEL

321. Publication of Personnel Policies

1240-4-6-.03 Staff - Personnel Policies.

Each employee at the time of appointment receive in writing a statement of personnel policies, which are reviewed annually perhaps at the time of evaluation of the employee's work, and revised periodically. This statement should cover the following:

- Job description.
- Designation of the person to whom the employee is responsible.
- Conditions of employment.
    - Attendance at professional meetings.
    - Salary.
    - Hours of work.
    - Sick leave.
    - Holidays and vacations.
    - Benefits offered (i.e., Social Security coverage, insurance, retirement, etc.)
    - Mandatory age of retirement.

322. Constraints Against Employment

1240-4-6-.03 Staff - Responsibility for Staff.

A PERSON WHO HAS A HANDICAPPING CONDITION WHICH IS IN ANY WAY HARMFUL TO CHILDREN MUST NOT BE PRESENT WITH THE CHILDREN.

CHILDREN MUST NOT BE LEFT IN THE CARE OF A PERSON WHO HAS BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE OR OF VIOLATING A LAW ENACTED TO PROTECT CHILDREN.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

1240-4-6-.02 Organization and Administration - Records and Reports - Child's Records.

THE FOLLOWING RECORDS MUST BE MAINTAINED AT THE CENTER AND MADE AVAILABLE TO THE LICENSING COUNSELOR UPON REQUEST:

A CURRENT INFORMATION FORM WHICH INCLUDES SOCIAL HISTORY, THE CHILD'S NAME, DATE OF BIRTH, NAME OF PARENT(S) OR GUARDIAN(S), HOME ADDRESS, BUSINESS ADDRESSES, PHONE NUMBERS, WORK HOURS, THE NAME AND ADDRESS (HOME AND BUSINESS) OF A RESPONSIBLE PERSON TO CONTACT IN AN EMERGENCY IF PARENT(S) CANNOT BE LOCATED PROMPTLY, AND THE NAME OF THE SCHOOL THE CHILD ATTENDS.

NAME, ADDRESS AND TELEPHONE NUMBER OF A PHYSICIAN TO CALL IN CASE OF AN EMERGENCY.

WRITTEN PERMISSION OF PARENT(S) OR GUARDIAN(S) REGARDING EMERGENCY MEDICAL CARE.

A TRANSPORTATION PLAN, INCLUDING TO WHOM THE CHILD SHALL BE RELEASED.

STATEMENT REGARDING IMMUNIZATION AS DIRECTED UNDER SECTION 1240-4-6.06.

DAILY ATTENDANCE RECORDS FOR EACH CHILD.

At least one planned conference per year should be held with the parent(s) regarding the child's activities and progress. The person who conducts the parent conference should write a few notes about the content of the conference, date and sign them, and file them in the child's record.

342. Staff

1240-4-6-.02 Organization and Administration - Records and Reports - Staff Records.
THE FOLLOWING RECORDS MUST BE MAINTAINED AND MADE AVAILABLE TO THE LICENSING COUNSELOR UPON REQUEST:

NAME, BIRTH DATE, ADDRESS, AND TELEPHONE NUMBER OF STAFF MEMBERS.

STATEMENT OF TRAINING AND EXPERIENCE INCLUDING DATES AND PLACES OF DIPLOMAS RECEIVED, OF EXPERIENCE, AND OF CONFERENCES, COURSES, AND WORKSHOPS ATTENDED.

HEALTH RECORD AS DIRECTED UNDER SECTION 1240-4-6-.06.

AT LEAST THREE CHECKED AND RECORDED REFERENCES ON ALL STAFF MEMBERS, EXCEPT THOSE EMPLOYED PRIOR TO JANUARY 1, 1980.

DATE OF EMPLOYMENT AND DATE OF SEPARATION.

DAILY ATTENDANCE OF STAFF MEMBERS.

343. Child Eligibility and Enrollment Requirements

1240-4-6-.02 Organization and Administration - Records and Reports.
POLICIES AND PROCEDURES FOR ADMISSION OF A CHILD TO A DAY CARE CENTER MUST BE SUCH THAT INITIAL AND CONTINUING COMMUNICATION BETWEEN THE FAMILY AND THE AGENCY IS ASSURED.

An introductory visit should be suggested to the parents and the child to make his/her adjustment to the agency and to the group easier.

A policy statement signed by the director (or caregiver) and the parent(s) should be given to the parents. A signed copy should be filed in the child's record.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

1240-4-6-.03 Staff - Supervision and Grouping of Children.
EACH CAREGIVER MUST HAVE RESPONSIBILITY FOR NO MORE THAN 25 CHILDREN.

WHEN MORE THAN 12 CHILDREN ARE PRESENT IN THE CENTER, A SECOND ADULT MUST BE ON THE PREMISES.

THE FOLLOWING RATIO IS REQUIRED. (THE ADULT-CHILD RATIO MAY EXCEED THE REQUIREMENT UP TO 10%, ROUNDED TO THE NEAREST WHOLE NUMBER, FOR NO MORE FREQUENTLY THAN THREE DAYS PER WEEK.)

Age of Children	Adult-to-Child Ratio	Group Size
Kindergarten age and above	1:25	25

IF SCHOOL AGE AND PRESCHOOL CHILDREN ARE COMBINED, THE ADULT/CHILD RATIO AND GROUP SIZE MUST BE:

Age of Children	Adult-to-Child Ratio	Group Size
2-12 years	1:10	10

The following ratios are recommended:

Age of Children	Adult-to-Child Ratio	Group Size
Kindergarten age	1:15	15
Combinations: K - sixth grade	1:15	15
2-12 years Not recommended		

412. Methods of Computing Staff/Child Ratios

1240-4-6-.03 Staff - Supervision and Grouping of Children.

CLERICAL AND MAINTENANCE STAFF MUST NOT BE INCLUDED IN THE ADULT-CHILD RATIO BUT CAN BE USED AS EMERGENCY SUBSTITUTES IF THEIR DUTIES AND QUALIFICATIONS PERMIT.

IF MEALS ARE SERVED, THE PERSON WHO IS RESPONSIBLE FOR PREPARING MEALS AND WASHING DISHES MUST NOT BE INCLUDED IN THE ADULT-CHILD RATIO WHILE PERFORMING THESE DUTIES.

420. GROUP SIZE

421. Group Size as of March, 1981

1240-4-6-.03 Staff - Supervision and Grouping of Children.
Multi-age grouping for grades K-5 is beneficial and desirable. In centers where both preschool and school age children are cared for, separate programs should be offered with each program having its own designated space in the center. Occasionally, preschool and school age children may be grouped together for specific activities.

Within the school age program, grouping children in grades K-3 together and grades 4-6 together recognizes the common interests and needs of the children. Children in grades 7 and above should be in another program suited to their needs. Supervision should be such that children are given freedom to explore their interests with adult guidance available when requested or needed.

EACH GROUP OF CHILDREN MUST HAVE AN ADULT CAREGIVER ASSIGNED TO IT TO SUPERVISE THE CHILDREN'S ACTIVITIES. IF MORE THAN ONE ADULT IS ASSIGNED TO A GROUP, ONE MUST BE DESIGNATED AS THE LEAD CAREGIVER.

ARRANGEMENTS MUST BE MADE FOR A CAREGIVER TO CALL A SECOND ADULT IN AN EMERGENCY WITHOUT HAVING TO LEAVE THE GROUP.

See also 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

1240-4-6-.03 Staff - Staff Qualifications - Caregivers.
EACH CAREGIVER MUST BE AT LEAST 18 YEARS OF AGE AND BE ABLE TO READ AND WRITE.

VOCATIONAL SCHOOL STUDENTS IN CHILD DEVELOPMENT 16 AND 17 YEARS OF AGE MUST BE SUPERVISED BY AN OLDER PERSON WHO IS IN THE SAME ROOM WHEN COUNTED IN THE ADULT-CHILD RATIO.

512. Health

1240-4-6-.06 Health - Staff Health Records.
ALL STAFF MEMBERS MUST HAVE ON FILE BEFORE BEGINNING TO WORK WRITTEN EVIDENCE OF A PHYSICAL EXAMINATION AND STATEMENT THAT THEIR GENERAL PHYSICAL CONDITION WILL PERMIT THEM TO DIRECT AND ACTIVELY PARTICIPATE IN THE ACTIVITIES OF A GROUP OF CHILDREN. THIS RECORD MUST BE SIGNED BY A PHYSICIAN OR A HEALTH AGENCY.

AN UPDATED STATEMENT OF ANY STAFF MEMBER'S HEALTH MUST BE OBTAINED UPON DEPARTMENT REQUEST WHEN IT IS DEEMED NECESSARY.

EACH STAFF MEMBER MUST PRESENT WRITTEN EVIDENCE OF A YEARLY TUBERCULIN SKIN TEST OR CHEST X-RAY WITH NEGATIVE RESULTS.

ADULTS, VOLUNTEERS, AND OTHERS WHO ARE IN CONTACT WITH THE CHILDREN AS OFTEN AS ONCE A WEEK MUST PRESENT WRITTEN EVIDENCE OF A YEARLY TUBERCULIN SKIN TEST OR CHEST X-RAY WITH NEGATIVE RESULTS.

All caregivers and their helpers should have a complete physical examination annually.

513. Education

1240-4-6-.03 Staff - Staff Qualifications - Caregivers.
EACH GROUP MUST HAVE AT LEAST ONE CAREGIVER PRESENT WHO HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

Achievement of a graduate degree in elementary education, child development, physical education, or related fields.

OR

Graduation from an accredited four-year college or university with a major in elementary education, child development, physical education, or related fields.

OR

Associate degree in child development, elementary education, physical education, or related fields.

OR

Post high school credit in child development, elementary education, physical education, or related fields; two years of child development in vocational high school; or at least one year of college credit.

OR

High-School diploma or equivalent.

OR

Caregivers should have had work experience with children in a group setting such as a day care center, kindergarten, elementary school, or recreation program.

Caregivers should attend at least six clock hours of workshops, or take a course (at least three quarter hours academic credit) in child development or other subjects related to care of school age children each year.

514. Experience

1240-4-6-.03 Staff - Staff Qualifications.

The personal qualifications of all staff members should include the physical stamina to keep up with active children; emotional stability; capacity to enjoy children and view objectively and sympathetically their feelings and needs so that the children can look to them for protection, help, and understanding; ability to deal with undesirable behavior in a firm, constructive, nonpunitive way;

capacity for and interest in learning more about children and how to work with them; understanding of their responsibility to safeguard children and the ability to use good judgment in emergencies; capacity for pleasant and cooperative relationships with other adults. It is essential that school age children in care have warm, understanding adults they can go to, to share successes and failures, problems and concerns, and who can give them the attention that they need. Day care centers which employ or use the services of professional staff such as physicians, nurses, psychologists, psychiatrists, and social workers should select persons who meet professional standards in their fields. For most positions, it is desirable to employ persons with specialized training.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 521. Age

523. Education

1240-4-6-.03 Staff - Staff Qualifications - Director.

THE DIRECTOR MUST HAVE ACHIEVED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT AND TWO YEARS OF WORK EXPERIENCE WITH CHILDREN,

OR

THE DIRECTOR MUST HAVE GRADUATED FROM AN ACCREDITED FOUR-YEAR COLLEGE OR UNIVERSITY.

Achievement of a graduate degree in elementary education, child development, administration, physical education, or related fields.

OR

Graduation from an accredited four-year college or university with a major in elementary education, physical education, child development, or related fields.

OR

Three years college credit, or degree in a related field, from an accredited four-year college or university.

OR

Associate degree in child development, elementary education, physical education, administration, or related fields.

OR

Post high school credit in child development, elementary education, physical education, administration, or related fields; two years of child development in vocational high school; or at least one year of college credit.

OR

The director should have had experience as a director of a day care center or as a teacher of a group of young children in a day care center, organized recreation program, or elementary school.

OR

The director should attend at least six clock hours of workshops, or take a course of at least three quarter hours academic credit, in administration, child development, or other subjects related to care of school age children each year.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

1240-4-6-.03 Staff - Staff Qualifications.

MUST BE PHYSICALLY AND MENTALLY CAPABLE OF PERFORMING SATISFACTORILY IN THEIR RESPECTIVE POSITIONS IF VOLUNTEERS ARE USED TO MEET THE RECOMMENDED ADULT-CHILD RATIOS, THEY MUST MEET CAREGIVER QUALIFICATIONS AND MUST WORK ON A REGULARLY SCHEDULED BASIS.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 523. Education

542. Child Caregiver Staff

See 523. Education

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

1240-4-6.05 Program.

The program in a school age day care setting should provide a flexible curriculum with activities appropriate to the developmental needs of the children and supportive of family goals. The program should reflect an awareness of the social, emotional, physical, and cognitive needs of older children. The program should allow the children to be self-directed in the activities they choose, should offer adult guidance when needed, and will thus encourage an appropriate balance between dependence on adults and independence of adults.

THERE MUST BE A BALANCE BETWEEN PERIODS OF VIGOROUS ACTIVITY AND QUIET PLAY OR REST FOR THE CHILDREN.

Children should be allowed to choose from a variety of indoor activities.

Opportunities should be provided for children to be by themselves to play alone or do homework if they choose in a small, quiet area away from other activities.

A daily program shold include opportunities for self-expression, learning, and participation in a variety of activities, such as art, music, dramatic play, science and health, sports, cooperative games and special projects.

Indoor physical activities, requiring children to use both large and small muscles, should be provided for children of each age group.

Special consideration should be given to early morning and late afternoon activities that will help children cope with the transition from home to center and the usual end-of-day fatigue.

Children should be allowed to participate in activities off of the premises if parents have given prior written permission and have approved transportation arrangements. (Examples: Scout meetings, organized recreation activities, piano lessons, visiting a friend.) Written permission should be on file in children's records

A good quality day care program should provide for parent involvement which may include using parents on advisory committees and as volunteers. Regular parent meetings that focus on both educational and social objectives are a means of strengthening family life.

EXCEPT UNDER EXTREME WEATHER CONDITIONS, THERE MUST BE AN OPPORTUNITY FOR OUTDOOR PLAY.

Children should be allowed to choose among outdoor activities.

In seasons when the children spend larger periods of time outdoors, the center should provide a greater variety of activities outdoors so that children's interest will be stimulated. Programming should include quiet activities, such as small group games or art, as well as active play, such as softball and tag.

Written program plans should be prepared and implemented for each group.

The children should participate in planning their own activities and projects and in making their own rules.

Special attention should be given to the summer program, if there is one, to insure that children are protected from overstimulation or boredom, by planning for a wider range of activities to include field trips and other activities away from the center and by using resource people from the community.

612. Program Equipment and Materials

1240-4-6-.04 Equipment for Children.
INDOOR EQUIPMENT MUST BE SUFFICIENT TO PROVIDE FOR QUIET AND ACTIVE PLAY NEEDS OF ALL CHILDREN.

EACH CENTER MUST BE EQUIPPED WITH ENOUGH TOYS AND PLAY APPARATUS TO TAKE CARE OF THE NEEDS OF THE TOTAL GROUP AND TO PROVIDE EACH CHILD WITH A VARIETY OF ACTIVITIES THROUGHOUT THE DAY. THIS EQUIPMENT MUST BE EASILY ACCESSIBLE TO THE CHILDREN SO THAT THEY ARE ENCOURAGED TO DEVELOP INITIATIVE AND INDEPENDENCE.

Tables and chairs should be of a size appropriate to the body measurements of school age children.

Equipment should be arranged in such a manner that interest centers are distinguishable and separated so that several children can participate in an activity without disturbing others.

Equipment should be selected to provide for a variety of experiences and should include:

> Handcraft materials, such as clay, paint, brushes, art paper, and collage scraps.

Riding toys.

Dramatic play materials, including puppets, costume boxes, dress-up clothes, and blocks.

Manipulative play materials, such as puzzles, lottos, board games, skittles and other skill games.

Sports and large muscle equipment, such as pingpong, balance beam, and tumbling mats.

Literature, including story and picture books, and non-fiction resource books in subject areas, such as crafts, pets, and cooking.

Music instruments and materials, such as record player, records, and rhythm instruments, opportunities for folk dancing and singing games.

Natural science materials such as rocks, shells, seeds, etc; living things, such as plants, pets and insects.

Soft materials, such as beanbag chairs, couch, or pillows for quiet corners.

Equipment for specialized activities, such as cooking utensils and carpentry tools.

THERE MUST BE EQUIPMENT AVAILABLE OUTDOORS TO DEVELOP BOTH LARGE AND SMALL MUSCLES. THE AGE LEVELS, ABILITIES, AND SAFETY OF CHILDREN MUST BE CONSIDERED IN EQUIPPING OUTDOOR PLAY AREAS. THERE MUST BE ENOUGH EQUIPMENT SO THAT EACH CHILD CAN TAKE PART IN A VARIETY OF ACTIVITIES.

Outdoor equipment should be selected to provide a variety of experiences and should include:

Climbing equipment.

Sports equipment for games, such as softball, basketball, gymnastics and badminton.

Sandbox and water play equipment.

613. Nap Provision

Not specified

614. Discipline and Guidance

1240-4-6.05 Program - Discipline.

DISCIPLINE MUST BE CONSISTENT, REASONABLE AND APPROPRIATE TO A CHILD'S UNDERSTANDING AND NEED. PUNISHMENT MUST NOT BE RELATED TO FOOD, REST, OR TOILETING: INJURIOUS PUNISHMENT MUST NOT BE USED. THE CAREGIVER MUST INFORM THE PARENT OF METHODS OF DISCIPLINE USED.

SPANKING IS NOT THE PREFERRED MEANS OF DISCIPLINE AND MUST NOT BE USED WITHOUT PRIOR WRITTEN CONSENT OF THE PARENT(S) OR GUARDIAN. HOWEVER, IF PARENT(S) AND CAREGIVER AGREE THAT SPANKING IS ACCEPTABLE, THE FOLLOWING CONDITIONS MUST PREVAIL:

THE AGENCY MUST HAVE WRITTEN CONSENT FOR SPANKING (OPEN HAND ON BUTTOCKS) ON FILE IN THE CHILD'S RECORD PRIOR TO THE SPANKING. THE CONSENT FORM MUST BE SIGNED AND DATED BY THE PARENT(S) OR GUARDIAN.

SPANKING MUST NOT BE ADMINISTERED TO A CHILD IN THE PRESENCE OF OTHER CHILDREN.

SPANKING MUST NOT BE ADMINISTERED UNLESS A SECOND ADULT IS PRESENT.

Caregivers should offer encouragement and praise of good behavior, rather than focusing attention on unacceptable behavior.

Spanking should not be used.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

1240-4-6-.06 Health - Child's Health Requirements.

BEFORE A CHILD IS ACCEPTED FOR CARE, THE CENTER MUST HAVE ON FILE A STATEMENT FROM THE PARENT (OR SCHOOL) THAT THE CHILD'S IMMUNIZATIONS ARE CURRENT AND THAT HIS/HER HEALTH RECORD IS ON FILE AT THE SPECIFIED SCHOOL WHICH THE CHILD ATTENDS. EXCEPTIONS TO THIS REQUIREMENT MAY BE MADE ONLY IF:

> THE CHILD'S PHYSICIAN OR THE HEALTH DEPARTMENT PROVIDES A SIGNED AND DATED STATEMENT GIVING A MEDICAL REASON WHY THE CHILD SHOULD NOT BE GIVEN A SPECIFIED IMMUNIZATION.

93

THE CHILD'S PARENT(S) OR GUARDIAN IS A MEMBER OF A CHURCH WHICH HAS AS A PART OF ITS RELIGIOUS DOCTRINE THE BELIEF THAT CHILDREN SHOULD NOT BE IMMUNIZED, AND THE HEAD OF THE CHURCH PROVIDES A SIGNED STATEMENT ATTESTING TO THE BELIEF OF THE CHURCH AND THE FAMILY'S MEMBERSHIP IN THE CHURCH.

713. Immunizations

See 712. Health Assessments

714. Sanitation

Not specified

715. Daily Illness Screening

1240-4-6-.06 Health - Child's Health Requirements.

CHILDREN MUST BE CHECKED UPON ARRIVAL AND OBSERVED FOR SIGNS OF COMMUNICABLE DISEASE. ANY CHILD SHOWING OR DEVELOPING SYMPTOMS OF INFLAMMATION OF THE EYES, FEVER, RASH, OR DIARRHEA MUST BE EXCLUDED FROM THE GROUP UNTIL THE PARENT CAN CALL FOR HIM/HER, OR OTHER ARRANGEMENTS ARE MADE FOR CARE ELSEWHERE. A DAY CARE CENTER CAN PROVIDE CARE FOR A CHILD WITH DIAGNOSED COMMUNICABLE DISEASE OR OBVIOUS ACUTE ILLNESS ONLY UNDER THE WRITTEN DIRECTION OF A LICENSED PHYSICIAN.

716. Care of Sick Children

1240-4-6-.06 Health - Child's Health Requirements.

PARENTS OF EVERY CHILD ENROLLED MUST BE NOTIFIED WHEN A COMMUNICABLE DISEASE HAS BEEN INTRODUCED INTO THE DAY CARE CENTER.

717. Medication and Special Diet Provisions

1240-4-6-.06 Health - Child's Health Requirements.

MEDICATION MUST NOT BE ADMINISTERED TO A CHILD BY THE CENTER STAFF EXCEPT UNDER THE DIRECTION OF A PHYSICIAN OR WITH THE PARENT'S WRITTEN AUTHORIZATION. MEDICATIONS OR DRUGS MUST BE LABELED WITH THE CHILD'S NAME AND SPECIFIC INSTRUCTIONS FOR ADMINISTERING THEM.

718. Waiver of Health Requirements

See 712. Health Assessments

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

1240-4-6-.02 Organization and Administration - Transportation.

IF A CENTER PROVIDES TRANSPORTATION, IT MUST RECOGNIZE ITS FULL RESPONSIBILITY FOR THE CHILD BETWEEN HOME (OR SCHOOL) AND CENTER AND ON FIELD TRIPS. THE DRIVER MUST BE DULY LICENSED, AND THE OWNER OF THE VEHICLE MUST CARRY ADEQUATE LIABILITY INSURANCE.

THE DRIVER MUST BE SUBJECT TO THE SAME HEALTH REQUIREMENTS AS OTHER STAFF MEMBERS.

CHILDREN MUST NOT BE LEFT ALONE IN A VEHICLE.

A MINIMUM OF 11 INCHES SEAT SPACE PER CHILD IS REQUIRED IN A VEHICLE TRANSPORTING CHILDREN.

CHILDREN MUST NOT SPEND MORE THAN 90 MINUTES IN A VEHICLE ON ANY ONE TRIP WITH THE EXCEPTIONS OF THOSE IN A PROGRAM FOR CHILDREN WITH SPECIAL NEEDS OR ON FIELD TRIPS.

724. Safety Requirements for Equipment

1240-4-6-.04 Equipment for Children.
DAMAGED EQUIPMENT MUST BE REPAIRED OR REMOVED PROMPTLY.

SUPPORTS FOR CLIMBING AND LARGE EQUIPMENT MUST BE SECURELY ANCHORED TO THE GROUND.

PLACEMENT OF EQUIPMENT MUST BE PLANNED TO AVOID THE DANGER OF COLLISION AND ACCIDENTS.

IF THE PLAYGROUND HAS CLIMBING EQUIPMENT OR SWINGS, THE PLAY SURFACE UNDER SUCH EQUIPMENT MUST NOT BE CONCRETE OR ASPHALT BUT MUST BE GRASS, COARSE SAND, WOOD CHIPS, OR OTHER RESILIENT SURFACE.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

1240-4-6-.06 Health - First Aid.
At least one staff member should have completed a minimum 3-hour first aid course or a Red Cross 8-hour first aid course taught by a certified instructor within the last three years.

The first aid chart, "When the Unexpected Happens," available from the Tennessee Department of Human Services, should be posted and the child care provider should be familiar with its contents. A first aid kit, containing thermometer, cold pack, bandages, and other approved items, should be available.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

1240-4-6-.07 Nutritional Needs.
FOR CHILDREN IN THE CENTER AT LEAST FOUR HOURS, ONE SNACK (DEFINED AS A BREAD PRODUCT AND DRINK OR FRUIT) MUST BE PROVIDED, UNLESS THE FOUR HOUR PERIOD COVERS A NORMAL MEAL HOUR, IN WHICH CASE A MEAL MUST BE PROVIDED.

FOR CHILDREN IN THE CENTER FIVE TO TEN HOURS, ONE MEAL (TO INCLUDE AS A MINIMUM: MEAT OR MEAT SUBSTITUTE, VEGETABLE AND/OR FRUIT, AND MILK) AND ONE OR TWO SNACKS MUST BE PROVIDED, TWO SNACKS IF THE PERIOD IS AS MUCH AS SEVEN HOURS.

FOR THOSE IN THE CENTER LONGER THAN TEN HOURS, TWO MEALS AND TWO SNACKS MUST BE FURNISHED.

BREAKFAST (DEFINED AS THE MORNING MEAL AND CONSISTING OF FRUIT OR JUICE, CEREAL OR EGG, AND MILK) MUST BE OFFERED TO CHILDREN WHO ARRIVE BEFORE 7:00 A.M. AND WHO HAVE NOT HAD BREAKFAST AT HOME.

IF MEALS ARE SERVED, THE WEEK'S MENUS MUST BE PLANNED AND POSTED BY THE FIRST DAY OF EACH WEEK SO THAT PARENTS CAN KNOW THE FOOD THEIR CHILDREN ARE RECEIVING. THESE MENUS MUST BE FOLLOWED, ALTHOUGH REASONABLE SUBSTITUTIONS ARE PERMISSIBLE IF THE SUBSTITUTED FOOD CONTAINS THE SAME NUTRIENTS.

Meals or snacks should include a Vitamin C food each day, a Vitamin A food three times or more a week, and food rich in iron at least one time per day.

The following meal pattern should be used as a guide for breakfast:

1/2 cup fruit or full-strength fruit or vegetable juice.
1/2 cup whole grain or enriched or fortified cereal (cooked or prepared), bread (1 slice) or equivalent, and/or one egg.
1 cup (8 oz) milk, part to drink and part on cereal.

The following meal pattern should be used as a guide for the noon meal:

2 ounces (edible portion) of meat or egg (dried beans or peanut butter not more than once a week as a substitute.)
Fruits and vegetables amounting to 3/4 cup or more combined.
1 slice enriched or whole grain bread or equivalent.
1 cup (8 oz.) milk.

Additional foods to complete the meal, such as other vegetables, or rice, macaroni or spaghetti, butter or fortified margarine, simple desserts, such as fruit, puddings, or custard.

Snacks provided should be simple and nourishing and planned as a part of the day's food allowances. Carbonated drinks, fruitades, synthetic fruit-flavored drinks, and candy should not be served as snack foods. Preferred bread products are plain crackers and breads, vanilla wafers, and cereals that are made from enriched flour or meal. Real juice will be labeled "juice."

Food patterns for snacks:

Morning:

1 cup fruit or vegetable, or full-strength fruit or vegetable juice, or milk.

II. Bread product.

Afternoon:

1 cup fruit or vegetable, or full-strength fruit or vegetable juice, or milk.

Bread product.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

See DAY CARE CENTERS

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

1240-4-6-.06 Health - Child's Health Requirements.

IF HANDICAPPED CHILDREN ARE ENROLLED, THEIR RECORDS MUST INCLUDE A HEALTH CARE PROVIDER'S STATEMENT WHICH INCLUDES THE PARTICULAR NATURE OF THE HANDICAP AND SPECIAL INSTRUCTIONS TO THE CHILD CARE PROVIDER FOR THE CHILD'S CARE.

1240-4-6-.09 Care of Handicapped Children.

IN ADDITION TO THE PRECEDING STANDARDS, IF HANDICAPPED CHILDREN ARE CARED FOR IN THE CENTER, ATTENTION MUST BE GIVEN TO THE FOLLOWING REQUIREMENTS. THE FOLLOWING STANDARDS APPLY TO STAFFING, GROUPING, EQUIPMENT, PROGRAM, HEALTH, NUTRITIONAL NEEDS, AND PHYSICAL FACILITIES:

> HANDICAPPED CHILDREN ENROLLED IN A DAY CARE CENTER MUST RECEIVE THE SAME CARE AND PARTICIPATE IN THE SAME PROGRAM ACTIVITIES AS THEIR PEERS WITH ADAPTATIONS TO ENABLE THEM TO PARTICIPATE.
>
> ADAPTATIONS TO THE ENVIRONMENT MUST BE DIRECTED TOWARD NORMALIZING THE LIFESTYLE OF THE HANDICAPPED CHILD, MAKING HIM/HER MORE LIKE THE PEERS AND HELPING THE CHILD TO LEARN INDEPENDENCE AND SELF-HELP SKILLS.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

1240-4-6-.04 Equipment for Children - Indoor Equipment.
INDIVIDUAL LOCKERS, SEPARATE HOOKS AND SHELVES OR OTHER CONTAINER, PLACED AT CHILDREN'S REACHING LEVEL, SHOULD BE PROVIDED FOR EACH CHILD'S BELONGINGS. HANGERS AT CHILD HEIGHT ARE ACCEPTABLE.

Shelf space, accessible to the children, should be used for orderly storage of toys, games, and supplies.

Space should be provided for a variety of activities, such as open space for dancing and rhythm games, quiet corners for doing homework and for napping, and an area for arts and crafts near water and with appropriate floor covering.

1240-4-6.08 Physical Facilities - General Requirements.
THE CENTER MUST NOT BE LOCATED IN A BUILDING USED FOR OTHER BUSINESS PURPOSES WHICH WOULD BE HAZARDOUS TO THE CHILDREN OR WOULD PROHIBIT OUTDOOR PLAY.

THE BUILDING MUST PROVIDE 30 SQUARE FEET OF USABLE INDOOR PLAY SPACE PER CHILD, NOT INCLUDING THE RESTROOMS, HALLS, KITCHEN OR OFFICE SPACE.

OUTDOOR PLAY AREAS MUST CONTAIN 50 SQUARE FEET OF SPACE PER CHILD.

IF PART OF A LARGER PROGRAM, THE SCHOOL AGE GROUP (OF 13 OR MORE CHILDREN) MUST HAVE A SPACE OF ITS OWN, APART FROM OTHER GROUPS.

A QUIET PLACE FURNISHED WITH A COT, BIG PILLOWS, COUCH, OR OTHER SOFT FURNITURE, MUST BE PROVIDED FOR ANY CHILD WHO WISHES TO TAKE A NAP OR TO REST. HOWEVER, CHILDREN OF SCHOOL AGE MUST NEVER BE FORCED TO NAP.

Spill-over space (such as hallways, courtyards, or gym) should be consistently available and flexibly used as a means of providing variety to the program, of encouraging independence on the part of the children, and of using space to the best advantage. Use of spill-over space should first meet with the fire safety inspector's and licensing counselor's approval.

OR

Indoor play space with no spill-over space available should measure 35 square feet per child.

Outdoor play space should measure 100 square feet per child.

The outdoor play area should be divided so that there is an open area for ball games, and an area with play equipment which is arranged in such a way that if preschool children are present, the two groups of children will have room to play without interference from each other.

Sanitary drinking water should be available outdoors.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

1240-4-6.08 Physical Facilities - General Requirements.

AFTER THE INITIAL APPROVAL BY THE STATE FIRE SAFETY INSPECTOR, BUILDINGS MUST BE INSPECTED AND APPROVED ANNUALLY BY EITHER STATE OR AUTHORIZED LOCAL FIRE SAFETY INSPECTORS AND BY ENVIRONMENTALISTS.

1530. BUILDING

Not specified

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

1240-4-6.08 Physical Facilities - General Requirements.

NEW FACILITIES (INCLUDING PREVIOUSLY UNLICENSED AS WELL AS NEW CONSTRUCTION) MUST BE INSPECTED AND APPROVED INITIALLY BY REPRESENTATIVES FROM THE STATE FIRE SAFETY INSPECTOR'S OFFICE AND THE TENNESSEE DEPARTMENT OF PUBLIC HEALTH. ENVIRONMENTAL AND FIRE SAFETY STANDARDS IN APPENDICES G AND H MUST BE MET BEFORE A LICENSE CAN BE ISSUED. REQUESTS FOR INSPECTIONS ARE MADE BY THE LICENSING COUNSELOR.

NEW FACILITIES OR ADDITIONS TO EXISTING FACILITIES MUST BE CONSTRUCTED ACCORDING TO STANDARDS OF THE ENVIRONMENTAL SANITATION DIVISION OF THE TENNESSEE DEPARTMENT OF PUBLIC HEALTH AND OF THE FIRE PREVENTION DIVISION OF THE TENNESSEE DEPARTMENT OF INSURANCE. PLANS FOR NEW STRUCTURES THAT HOUSE OR ACCOMMODATE 13 OR MORE CHILDREN MUST BE SUBMITTED TO THE FIRE PREVENTION DIVISION OF THE DEPARTMENT OF INSURANCE AND TO THE LOCAL HEALTH DEPARTMENT BEFORE CONSTRUCTION BEGINS.

All citations in Sections 100, Types of Facilities Subject to Licensure and 200, Licensing Process and Enforcement Procedures are from the Texas Department of Human Resources, Handbook of Licensing Rules and Regulations, December, 1980. All citations in the remaining sections are from the Texas Department of Human Resources, Minimum Standards for Day Care Centers, February, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§1630 Definitions of Day Care Facilities.
Day Care Center - A child care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

112. Exclusions and Exemptions

§1510 Statutory Exemptions.
Human Resources Code, Section 42.041(b) lists the types of child care facilities or arrangements that are exempt from licensing. The exemptions are:

> A State-operated facility. State-operated facilities do not include those operated by cities and counties. State-operated facilities must be certified as meeting minimum standards.
>
> An agency home certified by a child-placing agency as meeting mimimum standards.
>
> A facility where the parents of the children in care are shopping or engaging in activities on or adjacent to the premises and children are cared for during short periods of time. On the premises means in the

same building or shopping center, and adjacent to the premises means in an adjacent building or shopping center. This exemption does not apply to facilities operated by an organization where parents are employed or enrolled as students.

Religious programs such as Sunday school, retreat, weekly catechism, or class for religious instruction.

School or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months.

A youth camp licensed by the Texas Department of Health.

A hospital licensed by the Texas Department of Mental Health and Mental Retardation or the Texas Department of Health. This includes the State schools which are subject to certification under standards for Intermediate Care Services in Facilities for Mentally Retarded, and nursing and maternity homes licensed by the Texas Department of Health to provide care for minors. This exemption does not include day care facilities operated by or on the premises of such hospitals. Licensure by another State agency to care for children does not exempt a facility from the need to be licensed/certified as a child-placing agency if child-placing activities are carried out.

An educational facility accredited by the Texas Education Agency or by the Southern Association of Colleges and Schools, that operates primarily for educational purposes in grades kindergarten and above.

An educational facility that operates solely for educational purposes and that meets all of the following criteria:

Consists of grades kindergarten through at least grade two.

Does not provide custodial care for more than one hour during the hours before or after the customary school day.

Is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by State, municipal, and county codes.

A kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day.

A registered family home.

§1520 Non-Regulated Activities.

In addition to the exemptions described above, the Department does not regulate the following types of facilities or activities.

Skills classes - Programs designed primarily to teach skills such as baton classes, swimming classes, dancing classes, and arts and crafts classes, when such classes are not part of a school, kindergarten or nursery school program and are not child care arrangements. If such classes are sequential and continuous, they become child care arrangements and are subject to regulation. When such classes are operated in connection with a child care or kindergarten or nursery school facility, they are not exempt. In an exempt program the care and supervision of the child is not the reason for the child's enrollment. Facilities providing after school child care are subject to regulation.

Programs which operate for less than 24 hours per day and for two days or fewer per week, such as those usually called "mother's day out" programs.

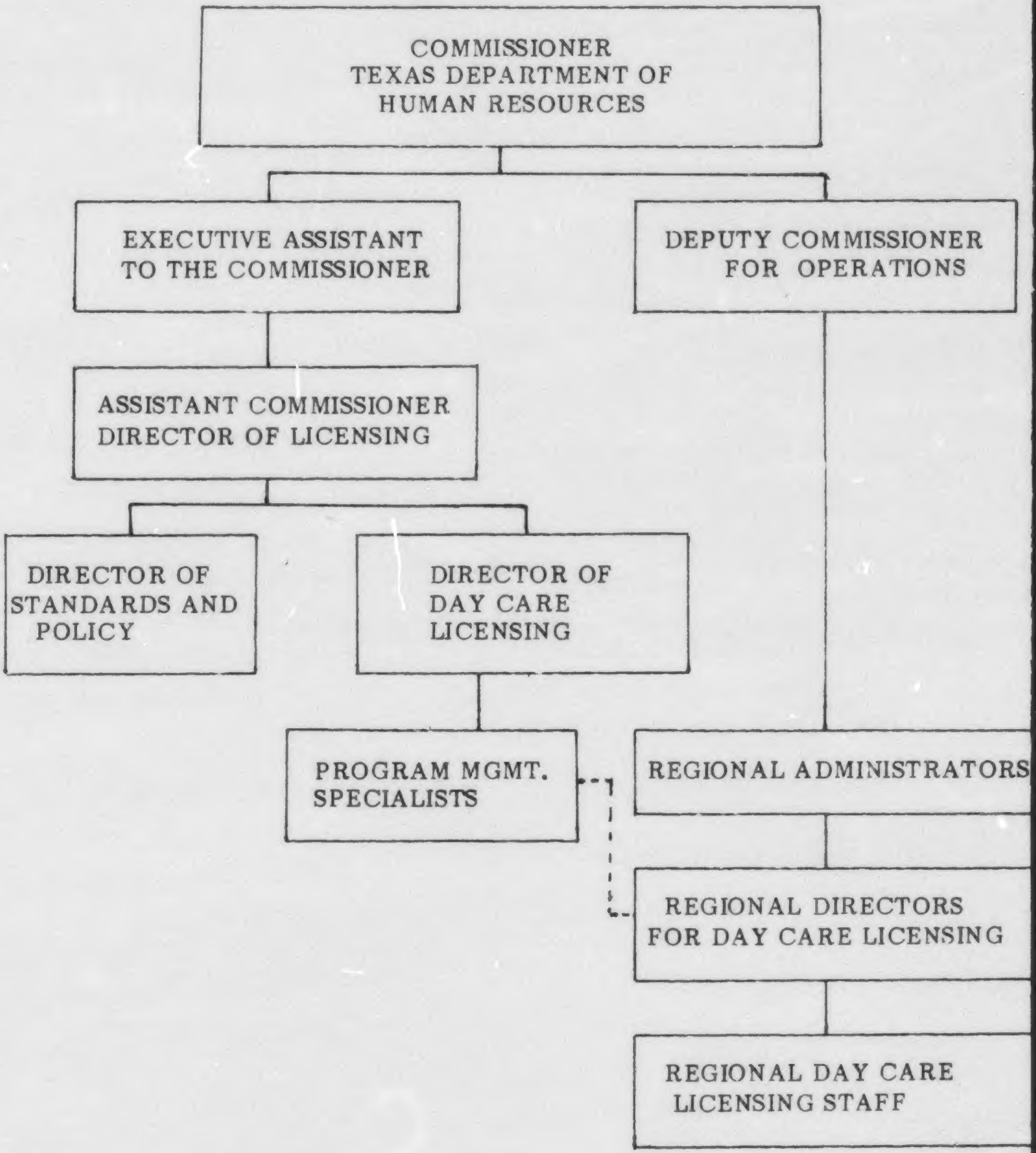
Programs operated on or by federal installations, such as those on military bases or Indian reservations.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


COMMISSIONER
TEXAS DEPARTMENT OF
HUMAN RESOURCES
EXECUTIVE ASSISTANT
TO THE COMMISSIONER
DEPUTY COMMISSIONER
FOR OPERATIONS
ASSISTANT COMMISSIONER
DIRECTOR OF LICENSING
DIRECTOR OF
STANDARDS AND
POLICY
DIRECTOR OF
DAY CARE
LICENSING
PROGRAM MGMT.
SPECIALISTS
REGIONAL ADMINISTRATORS
REGIONAL DIRECTORS
FOR DAY CARE LICENSING
REGIONAL DAY CARE
LICENSING STAFF

Texas is divided into 12 regions where licenses are issued and revoked and the day to day licensing functions are carried out. State central office staff monitor the regions and provide consultation to them.

122. Responsible Official

All inquiries should be addressed to:

Director of Licensing
Texas Department of Human Resources
P. O. Box 2960
Austin, Texas 78769
(512) 441-3355

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

§1310 Development of Standards.
The Department reserves the right to modify or eliminate any of the steps that are described in this item that are not required by law for the development of standards.

The child care licensing law requires that minimum standards and rules and regulations be reviewed by the State Advisory Committee on Child Care Facilities. It also requires that a copy of the proposed minimum standards be sent to each licensee regulated by that set of standards at least 60 days prior to the effective date of the standards. This enables the licensees to review the proposed standards and make written suggestions to the Department.

The Administrative Procedure and Texas Register Act requires that proposed minimum standards be published in the Texas Register as proposed rules. Written and oral comments from the public must be considered and, if requested, answered in writing within 30 days of the adopted of minimum standards as rules.

The Licensing Branch, State Office, generally begins with a basic document that may be an existing set of minimum standards, an adaptation, or an entirely new draft. The first drafts are developed with the aid of committees composed of licensing representatives, licensing supervisors or State supervisors, and other program staff in licensing and other divisions.

The draft is then usually presented to an ad hoc committee selected by the Licensing Branch for comment and suggestion. The ad hoc committee can be composed of providers of child care; professionals in the field of child care; officials from other agencies, such as Texas Department of Health, the State Fire Marshal's Office, the Department of Mental Health Mental Retardation and the Texas Education Agency; Licensing Branch staff; staff from other divisions of the Department; and members of the State Advisory Committee on Child Care Facilities.

On the basis of the recommendations of the ad hoc committee a new draft is prepared. The draft is presented for Departmental approval and for review by the State Advisory Committee on Child Care Facilities and then sent for 60-day public review. The proposed rules are concurrently published in Texas Register.

All written and oral comments received during the 60-day review period are analyzed for possible changes in the final set of standards. Public hearings may be held on all proposed sets of standards as provided in the Administrative Procedure and Texas Register Act. When the final set of standards has received administrative approval, it is presented to the Board of Human Resources for approval. If approved, the standards are submitted to the Secretary of State for publication in the Texas Register to become effective 20 days after filing.

212. Advisory Body and Other Community Participation

§1400 State Advisory Committee on Child Care Facilities.
The Human Resources Code, Chapter 42, establishes the State Advisory Committee on Child Care Facilities. The advisory committee is composed of 15 members appointed by the Commisssioner to serve for terms of two years. The advisory committee reviews rules and minimum standards for child care facilities and child-placing agencies promulgated by Licensing Branch and State agencies. The advisory committee also advises the Department, the Licensing Branch, and State agencies on problems of child care facilities and child-placing agencies. The child care licensing law requires that the advisory committee receive and review the annual report of the Licensing Branch.

By law, the members of the advisory committee represent the following groups:

Parents, guardians, or custodians of children who use the child care facilities;
Child advocacy groups;
Operators of the facilities;
Experts in various professional fields that are relevant to child care and development.

220 LICENSING PROCEDURE

221. Application and Issuance

§2132.1 Application - Submission and Acceptance.
An inquiry becomes an application when a licensing representative accepts a completed and signed Application for a License to Operate a Day Care Facility or Child-Placing Agency (Day Care Only), a Personal History Statement on the applicant, a Director Designation Form, a Personal History Statement on the person designated as director (if one has been designated), and all other documentation required for submittal by the applicable set of minimum standards.

Personal History Statements are required for the applicant and for the person designated as director. However, when the applicant is a corporation, a church, or a non-incorporated governmental body, no Personal History Statement is required from the applicant. When the director or primary caregiver is also the applicant only one Personal History Statement is required.

An application gives the Department the authority to begin the licensing investigation and gives the applicant the rights set forth in the Handbook of Licensing Regulations and Procedures. Monitoring for compliance with minimum standards begins when the facility is in the application phase.

All first time applications for licensing, including those from unregulated operating facilities, are applicants for a provisional license. The application for a provisional license is also an application for a first biennial license.

Upon receipt of the application, including the required documentation, the licensing representative has 10 working days to review the material to determine whether it is complete and substantiate compliance with standards requiring submittal of documentation. If the application is incomplete or compliance is not substantiated, it is returned to the applicant for completion or correction. After receiving the application again, the licensing representative has 10 more days to evaluate the material for completeness and correctness. When the licensing representative has determined that the application is complete and correct, the licensing representative signs and dates the application form. The two-month time limit for the decision on the provisional license begins on this date.

222. Fee Charged

Not specified

223. Areas of Investigation

§2133 Investigation Phase.

Human Resources Code, Section 42.046 states:

> After receiving an application, the division shall investigate the applicant and the plan of care for children.
>
> The division shall complete its investigation and decide on an application within two months after the date the division receives an application.

224. License Renewal

§2152.2 Renewal of Biennial License.

Approximately three months before the biennial license/certificate expires, the licensing representative notifies the licensee in writing of the approaching expiration of the license/certificate, enclosing an Application Form 2910, and any other forms required by minimum standards. The letter includes a statement that the application must be completed and returned to the licensing representative no later than two months prior to the expiration date of the license. The letter also states that if a completed application is not accepted at least two months prior to the expiration date of the license, the current license may expire without a new biennial license having been issued. The letter advises the licensee that any waiver/variance requests (new or renewal) are to be sent with the application and that request forms are available from the licensing office. When a facility has waivers/variances in effect, request forms for renewal are included with the letter.

The letter advises the licensee that if he/she plans to make or has made changes in the original operation, the licensee must identify such changes so that the renewed license reflects them.

§2152.25 Issuance of Biennial License.

The biennial license is issued when the facility record is up-to-date, contains documentation of compliance on a continuing basis, and contains the signed and dated recommendation of the licensing representative, supervisor, and regional director. The license is signed by the regional administrator.

§2152.3 Failure to Meet Application Time Limits.

If the license expires and no application has been received, the licensing representative writes a letter notifying the facility that the license is no longer valid and must be returned. The letter must also state that continued operation without a license is in violation of Chapter 42 of the Human Resources Code, and may result in referral for legal action by the Department.

225. Conditional/Provisional Licenses

§2151 Issuance of Provisional License.

The division shall issue a provisional license when a facility's plans meet the department's licensing requirements and one of the following situations exists:

the facility is not currently operating;
the facility is not licensed for the location stated in the application; or
there is a change in ownership of the facility.

A provisional license is valid for six months from the date it is issued and is not renewable.

226. Substantial Compliance

§2210 Waivers/Variances.

The Department may in specific instances waive compliance with a minimum standard if it determines that the economic impact of compliance is sufficiently great to make compliance impractical.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

§2110 Authority to Visit - Inspection and Investigation of Facilities.

An authorized representative of the division may visit a facility during operating hours to investigate, inspect, and evaluate.

§2152.131 Inspection Frequency.

Inspection visits are made only during the hours of operation stated on the license. One unannounced visit each year to a child care facility is allowed. Additional visits may be announced or unannounced. The Licensing Branch requires inspection visits every six months to determine if the facility continues to meet minimum standards. Except under unusual circumstances, which must be documented in the record, no more than seven months may elapse between inspection visits. Inspection visits are not made more frequently unless the licensing representative documents in the facility record that more frequent visits are necessary. For facilities closed during the summer months, the two required visits are made during the nine month operating period.

232. Denial, Suspension, Revocation of a License

§2161 Standard-by-Standard Evaluation - Possible Denial of an Application or Suspension or Revocation of a License or Registration.

The licensing representative may conduct a standard-by-standard-evaluation as the result of a facility's failure to comply with standards after one or more reasonable time limits have been set. A standard-by-standard evaluation may also be conducted after a visit to the facility that indicates noncompliance with minimum standards to the extent that denial of an application or revocation of a license may become necessary.

Whenever possible the standard-by-standard evaluation is conducted by two licensing representatives. It is conducted in such a manner that the process is not prolonged unnecessarily and the day care program is disrupted as little as possible. When the evaluation is complete, the licensing representative discusses the noncompliances and the dates set for correction with the person in charge unless supervisory consultation concerning specific standard(s) is necessary. In that case, noncompliances and corrections needed for that standard(s) are discussed promptly after supervisory consultation.

If there are noncompliances to be corrected within ten working days, the licensing representative leaves a compliance record with the person in charge listing those standards, the corrections required, and the date by which corrections must be made.

The results of the standard-by-standard evaluation are sent to the licensee/applicant within 10 working days. The letter is approved by the supervisor, regional director and regional attorney. Signed approvals are made a part of the facility record. The licensing representative(s) who conducted the standard-by-standard evaluation sign the letter and mails it to the licensee/applicant, with copies to the supervisor, regional director, regional attorney, and program management specialist. If a designee has been named by the licensee/applicant, a copy is sent to the designee.

§2162 Evaluation After a Reasonable Time Limit.
After the expiration of the time limit set in the letter describing results of the standard-by-standard evaluation, the licensing representative(s) conducts a follow-up inspection to determine compliance with minimum standards. The results of this evaluation, if noncompliance is observed, may lead to one or more of the following decisions:

Extension of the time limit;
Request(s) for waivers or variances;
Recommendation that the application be denied or the license revoked;

Second letter of noncompliance;

Recommend suspension, if the licensee is willing to suspend operation in lieu of revocation.

§2163 Notice of Decision to Deny an Application or Revoke a License or Registration After a Standard-by-Standard Evaluation.

If, as a result of the standard-by-standard evaluation, a decision is made to deny an application or revoke a license or registration, the regional director confers with the regional attorney and the program management specialist to review the basis for the decision and all relevant material in the facility's record. The decision whether to offer suspension instead of revoking the license is made.

§2152.6 Licensing Suspension.

To qualify for a suspension under this subsection, the facility must notify the licensing representative in writing of specific plans for resuming operation following a temporary suspension of operations. The suspension period requested must not exceed the time limits of the current license.

When a decision is made to suspend, the licensing representative notifies the licensee of the decision in a letter stating the dates of the facility's planned suspension of operation. The licensing representative makes arrangements to obtain the license and return it on or before the day the suspension expires. A request to extend the suspension period may be granted for just cause if the total suspension period does not exceed four months. Suspension of operation for more than four months is considered to be cessation of operation.

§2152.62 Suspension - In Place of Revocation.

Human Resources Code, Section 42.071 states:

> The division may suspend a facility's license for a definite period rather than deny or revoke the license if the division finds repeated noncompliance with standards that do not endanger the health and safety of children.

The regional administrator may exercise the option of suspending the license instead of revoking it, providing the licensee requests a suspension in place of revocation and qualifies for suspension under Section 42.071 of the Human Resources Code. Suspension may be offered only if licensing staff have found repeated noncompliance that has not endangered the health and safety of children.

§2164 Appeal or Suspension Not Requested.
If a request for an appeal or suspension is not received postmarked within the 30-day period, the regional administrator notifies the applicant/licensee in writing by "Certified Mail - Return Receipt Requested" that the denial or revocation is final.

§2169 Revocation/Denial Without a Standard-by-Standard Evaluation.
Under certain circumstances the regional administrator makes a notice of the decision to deny an application or revoke a license or registration without staff first performing a standard-by-standard evaluation. The program management specialist is informed of the decision prior to the initiation of any enforcement action.

§2169.2 Revocation/Denial - After Due Notice.
Provided the licensee/applicant has been advised of possible revocation/denial and given due notice, and if corrections are not made to bring the facility in compliance with the standards or section of the law associated with the following within the prescribed time limits; the application may be denied or the license revoked for any of the following reasons:

> The facility has had a fire inspection or sanitation inspection report with corrections required, but the corrections have not been made.
>
> Facility staff have refused to allow licensing staff entry to the facility during hours of operation to inspect or investigate, or have obstructed or unreasonably delayed licensing staff in carrying out regulatory responsibilities;

A person(s) is on the premises whose presence is a violation of minimum standards or causes a threat of violation of minimum standards to exist.

There has been a violation of restrictions (terms) on the license.

Violation of the same minimum standard has occurred three or more times within a one-year period.

233. Remedies and Sanctions

233.1 Hearings

§2165 Appeal Request Received - Staff Responsibilities.
When the Director of Licensing receives a request to appeal a decision to deny an application or revoke a license or registration, the program management specialist notifies the regional director who notifies the regional attorney.

If the Director of Licensing grants the request to appeal the decision, the Director advises the applicant and the applicant's attorney, if known, in writing that an advisory review board will be appointed to hear the appeal. The letter also states that the regional attorney will inform the appellant of the date, time and place of the hearing. If the request is denied, the reason(s) are stated in a letter to the applicant and the applicant's attorney if known.

§2165.4 Regional Arrangements for the Appeal Hearing.
The Advisory Review Board must render a written opinion to the Director of Licensing. The opinion must be delivered to the regional director within seven days after the last day of the hearing.

§2166 Appeal Review Committee.
The Director of Licensing convenes an Appeal Review Committee after receiving the Advisory Review Board's recommendation and the record of the hearing. During the deliberations the committee reviews the board's

recommendations, refers to the transcribed record of the hearing, and reviews the letter of denial or revocation together with any other items making up the official record to determine if alleged noncompliances were established by a preponderance of the evidence at the hearing. The committee renders a majority vote decision on findings of fact and conclusions of law. This committee completes its deliberations and renders a decision within two weeks after receiving the board's recommendation. The attorney who conducted the hearing prepares the findings of fact of the committee from decision notes prepared by the committee.

§4110 Request for Appeal Hearing and Preliminary Procedures.
When the Department gives notice that an application is being denied or a license, certificate, or registration is being revoked, the applicant, licensee, or holder of certification or registration must make any request for an appeal hearing by certified letter addressed to the Director of Licensing within 30 days from receipt of the notice. The letter must state the reasons against denial or revocation, and a copy of the letter must be sent to the licensing representative.

Within two weeks following the date the appeal request was mailed, the Director of Licensing must notify the person requesting the hearing whether the request for an appeal hearing has been granted. If the request has been granted, the Director of Licensing appoints an Advisory Review Board to hear the appeal and set the date for hearing. The hearing date must be within four weeks following the date of the appointment of the members of the review board.

233.2 Decisions

§2166 Appeal Review Committee.
The findings of fact and conclusions of law are the final administrative decision and are signed by the committee members. This is sent, "Certified Mail - Return Receipt Requested" to the appellant with a covering letter

signed by the Director of Licensing. If the decision is to uphold the revocation or denial, the appellant is advised of his or her right to request a rehearing before the committee and that such request must be made within 10 days after receiving the decision. This request must be in writing to the Director of Licensing.

§2167 Suit Not Filed.

If the appellant does not challenge the final administrative decision in a suit filed in district court within 30 days from the date of receiving the decision on the request for rehearing, the regional administrator sends the following notification to the licensee/applicant, "Certified Mail - Return Receipt Requested":

> The decision to deny the application or revoke the license is final in accordance with Human Resources Code, Section 42.072.
>
> In the case of revocation, the license must be returned to the licensing representative within five days.
>
> Beginning or continued operation without a license is a violation of the law and may result in a referral to the county attorney, district attorney or attorney general for legal action in the case of a non-State-operated facility.

§4170 Decisions and Orders.

A final decision or order adverse to a party in the licensing appeal must be in writing. The final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The Director of Licensing sends the decision, including one copy of the findings of fact and conclusions of law "Certified Mail, Return Receipt Requested," to the appellant with a copy to his/her attorney, if any.

233.3 Judicial Review

§4180 Judicial Review.

A decision is final and appealable on the date appellant receives a written ruling on his/her motion for rehearing. Within 30 days after receipt of the decision on appellant's motion for rehearing, the appellant may challenge the decision in a suit filed in a district court of Travis County or the county in which the facility is located.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§100 Organization.

Day care centers shall have a governing body that is responsible for the center's policies and for operating the day care center in compliance with Minimum Standards for Day Care Centers and the child care licensing law.

Corporations operating day care centers shall make one of the following available to the Department of review:

The Articles of Incorporation;

The Certificate of Incorporation, or

A copy of the Certificate of Authority in the case of an out-of-state corporation.

Unincorporated churches operating day care centers shall make available to the Department documentation that establishes the church as a contracting body.

Corporations and churches shall make available to the Department a copy of the resolution authorizing the operation of the facility.

The governing body of the day care center shall notify the Department of any occurrence which affects the status of the day care license.

The Department shall be notified of:

Changes of the governing body or ownership.
Change of center director.
Change of board chairman of a corporate day care center.
Change in location.
Going out of business.
Reductions or additions to indoor or outdoor space.
Change in hours of operation.

The governing body shall designate a director on an official Department form submitted to the Department. If the owner and the director are the same person, this shall be specified.

§1200 General Administration.

The day care center shall display its license.

A complete copy of the Department's "Minimum Standards for Day Care Center" shall be available for review by staff, parents, and others upon request.

The Department shall be notified immediately of any serious occurrences that affect they day care operation such as:

Death of a child while in the care of the day care center.
Fire.
Serious accident, serious injury, or serious communicable disease.

§2200 Director Responsibilities.

A director shall be responsible for administering the day care center's day-to-day operation in compliance with minimum standards. In the director's absence from the center, a staff member shall be designated who has the responsibility of administering the facility.

The director shall provide the staff's assignments, and be responsible for staff management.

312. Telephone

§3200 Furnishings.
The day care center shall have a telephone with a listed number.

313. Proof of Operator Financial Capabilities

§1400 Records.
The facility shall maintain complete financial records. The Department will check these records only on written notice from the Department's Director of Licensing.

314. Insurance
Not specified

320. PERSONNEL

321. Publication of Personnel Policies

§2200 Director Responsibilities.
The director shall provide the staff's assignments, and be responsible for staff management.

322. Constraints Against Employment

§1200 General Administration.
Any employee or other person at the center shall be reassigned or removed from direct child care activity and from any contact with children if any of the following is returned.

> An indictment alleging commission of a felony classified as an offense against the person or family or of public indecency, or a violation of the Texas Controlled Substances Act.

An indictment alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.

An official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.

Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the Licensing Branch within 24 hours or the next working day.

§2100 Director Qualifications.
No one may serve as the director of a day care center who has been convicted within the preceding 10 years of a felony classified as an offense against the person or family, or of public indecency, or a violation of the Texas Controlled Substances Act or of any misdemeanor classified as an offense against the person or family, or or public indecency unless the Director of Licensing has ruled that proof of rehabilitation has been estalished.

§2300 Staff Qualifications.
No one may serve in any capacity, where there is contact with children, who has been convicted within the preceding 10 years of a felony classified as an offense against the person or family or of public indecency, or a violation of the Texas Controlled Substances, Act, or of any misdemeanor classified as an offense against the person or family or of public indecency, unless the Director of Licensing has ruled that proof of rehabilitation has been established.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

§1300 Enrollment.
The center shall not practice racial discrimination.

340. RECORDS REQUIREMENTS

341. Children

§1400 Records.
A record shall be maintained for each child that includes brief statements of the child's progress.

Statistical records of daily attendance of children and staff shall be kept for the previous three months.

§5100 Health Requirements for Children.
Evidence shall be required that each child is physically able to take part in the day care program. Evidence of the general state of each child's health shall be presented by his or her parents when admitted to the day care center or within one week of admission. Any of the following constitute compliance:

> A written statement from a licensed physician that he or she has examined the child within the past year; or
>
> A copy of the medical screening form of the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program if no referral for further diagnosis and treatment is indicated; or
>
> A form or written statement from a health service or clinic, such as:
> Head Start physical exam,
> Well-child conferences (clinics),
> Maternity and infant programs,
> Children and youth programs; or

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If (the above) are not available, the parents shall submit a written statement that the child has been examined by a licensed physician, within the past year, and is able to participate in the program. This shall be followed within 12 months by a document as described (above) or

If the parents cannot secure (the above) within one week, a statement must be signed by the parents giving: the name and address of the physician with whom an appointment for examination has been made; or address of the EPSDT screening site where the examination will take place, and following the examination a document as described (above) shall be submitted; or

A signed statement from the parents that medical diagnosis and treatment are against their religion.

As annual evidence of the preschool age child's continued ability to participate in the program, either of the following is acceptable:

A written or oral statement by the parents that the child is enrolled in an on-going health supervision program with annual evaluation as described (above). An oral statement shall be documented in the child's record; or

An annual statement from a licensed physician that the child can continue to participate in the program.

The child shall be tested for tuberculosis according to recommendations of the Texas Department of Health. For recommendations contact the local health authorities, or the regional office of the Texas Department of Health.

342. Staff

§2200 Director Responsibilities.

The director shall be responsible for maintaining personnel records. Personnel records shall include:

> Three references attesting to the employee's suitability for the job. References shall be unrelated to the employee. This does not apply to persons employed by the facility prior to June 29, 1976. References shall include.
>
> > The name, address, and telephone number of each reference.
> >
> > Written statements signed by the references or quotes from the references, written and signed by the director.
> >
> > A statement from the employee providing information concerning whether there have been any felony and/or misdemeanor convictions within the preceding 10 years, and of any pending criminal charges.

343. Child Eligibility and Enrollment Requirements

§1300 Enrollment.

Parents shall be informed about the center's activities and policies before their child is enrolled.

An enrollment agreement shall be obtained for each child prior to admission, filed at the day care center, and the director shall be responsible for assuring that the terms of the agreement related to items (below) are met. The agreement signed by the parents and director shall contain:

> Child's name, birth date, home address, and home telephone number.
>
> Name and address of parents and telephone numbers at which parents can be reached while the child is in care.

A statement that the child will be released only to a parent or a person named by the parent and a statement that persons bringing the child or picking up the child will be sure that a staff member is aware of the child's arrival or departure. School-age children who leave the center to go to classes and clubs shall have written permission from their parents. Parents shall specify the activity, time, and method of transportation.

Hours the child shall be in care. (Not to exceed 12 hours except in an emergency.)

Name, address, and telephone number of the child's physician.

Emergency medical authorization.

Transportation permission, if any.

Permission for participation in water activities, if any.

Special problems or needs of a child as indicated by the parents, including allergy, and a statement that the special problems or occurrences in the day care affecting the child will be brought to the attention of the parents. This includes serious communicable diseases.

Statement providing for parent conferences.

344. Child Abuse Reporting

§1200 General Administration.
Suspected child abuse or neglect shall be reported as required by the Texas Family Code.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§2400 Staff-Child Ratio

In day care centers, the number of children shall not exceed the following:

Infants and Toddlers

Age of Youngest Child In Group	Maximum Number Of Children	Number of Staff
0-11 months	5	1
0-11 months	12	2
12-17 months	6	1
12-17 months	14	2

When there is a child younger than the age of 18 months in the group, the oldest child in the group shall not be more than 18 months older than the youngest child in the group. Children age 18 months and older may be grouped according to the following chart.

Preschool and School Age Children

Age of Youngest Child in Group	Number of Children of Youngest Age	Maximum No. of Children to be Supervised by One Staff Person
18 months	If there are 4 or more children under 2 yrs. of age.	9
18 months	If there are not more than 3 children under 2 years.	10
2 years	If there are 5 or more two years olds.	11
2 years	If there are no more than 4 two year olds.	13
3 years	If there are 7 or more three year olds.	15
3 years	If there are no more than 6 three year olds.	17

4 years	If there are 11 or more four year olds.	18
4 years	If there are no more than 10 four year olds.	20
5 years	If there are 13 or more five year olds.	22
5 years	If there are no more than 12 five year olds.	24
6 years and older		26

412. Methods of Computing Staff/Child Ratios

§2400 Staff-Child Ratio.

In determining the staff-child ratio the following shall apply:

The developmental or emotional age of mentally retarded or emotionally disturbed children, as determined by a qualified consultant, shall be used to determine the staff-child ratio, not their chronological ages.

Staff ratios as stated in Subsection 2400, Standard 1, (411. Staff/Child Ratio as of March, 1981), shall be maintained except during:

Nap times when children may be under the supervision of 50% of the staff-child ratio, if 75% of staff-child ratio is maintained in the building. For infants, the full staff-child ratio shall be maintained at nap time.

Transportation. (See 723. Transportation)

Water Activities. (See 725. Water Activities (Including Swimming))

For 45 minutes after opening and 45 minutes before closing, the center may regroup children older than 18 months without reference to age. The staff-child ratio for regrouped children shall be one staff member to 22 children.

420. GROUP SIZE

421. Group Size as of March, 1981

§2400 Staff-Child Ratio.
Up to 35 children may be in regular classroom activities as long as the staff-child ratio is maintained.

More than 35 children 18 months old or older may be combined for joint activities of limited duration, usually not to exceed 30 minutes, as long as the staff-child ratio is maintained.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

§2300 Staff Qualifications.
Staff who work directly with children and who are counted in the staff-child ratio shall be 18 years old or older except as stated . . . below and be able to read and write.

> Persons under 18 years old who have a high school diploma may be counted in the staff-child ratio.
>
> Students under 18 years old who are enrolled in child care-related career programs approved by the Texas Education Agency or other state or Federally approved programs, or who are on summer vacation from career programs, may be given responsibility for children and counted in the staff-child ratio.

A person 14 through 17 years old may work under the direct supervision of a qualified staff person but cannot be counted in the staff-child ratio.

512. Health

§2200 Director Responsibilities.
Each staff member, including volunteers who are counted in the staff-child ratio, shall have a record of a tuberculosis examination no earlier than 12 months prior to employment. Re-examination shall be required in accordance with recommendations of local health authorities or the regional office of the Texas Department of Health. Household members older than 14 who are at the center when children are in care shall also obtain this information. Household members under 14 years old shall meet the same requirements as the children in care.

§2300 Staff Qualifications.
Persons whose behavior or health status appears to endanger the health, safety, and well being of children shall not be allowed at the facility.

513. Education

§2300 Staff Qualifications.
Staff members shall demonstrate competency in working with children and be mentally, physically, amd emotionally able to perform assigned duties.

Assignment of persons shall be determined by their competency. Consideration shall be given to the judgment and self-control required by the tasks.

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

The requirements below do not apply to persons who were directors of day care centers on June 29, 1976.

521. Age

§2100 Director Qualifications.
The director of a day care center shall be at least 18 years old.

522. Health

See 512. Health

523. Education

§2100 Director Qualifications.
The director of a day care center shall have a high school diploma or its equivalent or a bachelor's degree from an accredited college or university, a Child Development Associate Credential, or an associate of arts degree in child development or a closely related area.

524. Experience

§2100 Director Qualifications.
The Director shall have one year of experience in family day care, group care, teaching, administration, or management.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT: IN-SERVICE ORIENTATION AND TRAINING

541. Program Director

§2500 Training.

Training and orientation in understanding children and improving job performance shall be required of staff. Documentation of training and orientation shall be on file at the facility. Before beginning work:

> Staff shall be informed of the "Minimum Standards for Day Care Centers" and the licensing law. These documents shall be available to staff for review.
>
> Staff shall be informed of center policies including discipline.
>
> Staff shall be instructed on symptoms of child abuse or neglect and staff's responsibility for reporting these.

Each staff member, including the director, shall participate yearly in at least 12 clock hours of training. This training shall be documented in the staff person's record at the facility. A year shall be defined as 12 months from the date of employment.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM OF ACTIVITIES

§7100 Operation.
Activities shall be provided for each group according to the ages, interests, and abilities of the children. The activities shall be flexible and promote the physical, emotional, social, and mental growth of each child.

Physical care routines, appropriate to the developmental needs of the child, shall include a supervised rest period after the noon meal. Typically, rest periods shall not last longer than three hours.

Indoor and outdoor periods shall provide for:

Alternating active and quiet activities.
Opportunity for individual, small, and large group activities.

The children's safety shall be ensured on field trips or excursions. Children shall be accounted for before, during, and after field trips.

612. Program Equipment and Materials

§3300 Equipment.
Indoor and outdoor equipment and materials shall be provided that are appropriate to the developmental needs, individual interests, and ages of the children. There shall be a sufficient amount of equipment and materials so that there is not excessive competition among the children or long waits for materials. There shall be available to the children:

books
art materials
music materials
manipulative materials

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- block and block accessories
- dramatic play materials including home-making materials and dolls
- science materials
- climbing equipment

613. Nap Provision

§3200 Furnishings.

Preschool children shall have cots, beds, or mats at least one inch thick that are waterproof and washable. Where mats are used, the floor must be warm, clean, and dry.

School age children shall have comfortable arrangements for rest when in care more than seven hours.

§7100 Operation.

Physical care routines appropriate to the developmental needs of the child, shall include a supervised rest period after the noon meal. Typically, rest periods shall not last longer than three hours.

614. Discipline and Guidance

§7200 Discipline and Guidance.

Discipline and guidance shall be consistent, shall be based on an understanding of individual needs and development, and shall promote self-discipline and acceptable behavior.

There shall be no cruel, harsh, or unusual punishment.

> No child of any age shall ever be shaken or hit, and no child under five years old shall ever be spanked.

If the governing body believes that is it necessary to spank children who are past their fifth birthday, there shall be a statement on file at the center that it is the center's policy to permit physical punishment. The statement of the rules that the center has adopted concerning the administration of physical punishment shall include that spanking can be done only with a staff member's open hand on a child's buttocks. Each incident shall be witnessed by another staff member and documented in the center's records. The center shall inform the parents of the policy, in writing, and shall have the parents' signed approval.

Brief, supervised separation from the group may be used if necessary, but no child shall be placed in a locked room.

Children shall not be humiliated or subjected to abusive or profane langugage. Punishment shall not be associated with food or naps or toilet training. Bedwetters shall not be shamed or punished.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

§5100 Health Requirements for Children.
The child shall be tested for tuberculosis according to recommendations of the Texas Department of Health. For recommendations contact the local health authorities, or the regional office of the Texas Department of Health.

See also 341. Children

713. Immunizations

S5100 Health Requirements for Children.

The center shall comply with laws, rules, and regulations regarding immunization of children. Current immunization records shall be maintained for each child at the center. Each child's immunization record shall include the birthdate, the immunization status, the number of doses, and the dates each immunization was received. A machine or handwritten copy of the immunization record is acceptable. Handwritten copies shall bear the signature of the responsible staff member copying the information. Compliance with the standard shall be measured by the presence of one or more of the following for each child in care:

> A written and dated record that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella. This record shall have a rubber stamp or signature of the physician or health personnel and shall specify the type, number of doses, and dates given as required by law.
>
> A written and dated statement from a licensed physician or other authorized health personnel that immunizations against at least one of the above mentioned diseases have begun. The immunization cycle shall be completed as soon as is medically feasible. A current immunization record shall be on file at the center.
>
> A certificate signed by a physician, duly registered and licensed under the Medical Practice Act, stating the physician's opinion that the required immunization would be injurious to the health and well-being of the child or a member of his or her family or household.
>
> An affidavit signed by the parent or managing conservator of the child stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the child or parent is an adherent or member.

A written and dated statement for a child enrolled in after-school care signed by the parents or managing conservator stating that the child's immunization record is on file at the school the child attends and that all immunizations are current. The name of the school shall be included on the statement.

714. Sanitation

§4200 Sanitation.

The day care center's building, grounds, and equipment shall be cleaned, repaired, and maintained to protect the health of the children.

The day care center shall have an adequate supply of water that meets the standards for drinking water of the Texas Department of Health. Whenever possible, the source of water shall be from a public drinking water system.

Drinking water shall always be available to children. It shall be supplied in a safe and sanitary manner.

Adequate and safe flush toilets and sewerage systems shall be provided. Whenever possible, the facility shall be connected to a public sewerage system. Where public sewers are not available, treatment facilities meeting the standards of the Texas Department of Health and approved by the local health authority shall be installed to dispose of sewage.

Garbage shall be kept in containers with tight lids, away from areas used by children, and removed from the center at least twice a week.

Day care centers shall take measures to keep the facility free of insects and rodents.

Staff and children shall wash their hands after using the toilet and before eating. Staff shall wash hands before and after changing a diaper and before feeding a child.

If washcloths are used, by or for, cleaning the children, a clean individual cloth shall be used for each child.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

§5200 Illness or Injury.

A child who is apparently ill shall not be admitted to the day care center unless approved by health personnel.

Illness shall be handled to protect the health of all children in the center. When ill:

> A child shall be given a bed or cot away from the other children and the child's parents shall be called immediately. The child shall be supervised until leaving the center.
>
> A child shall be given first aid, if needed. In the case of a critical illness or injury, the physician named by the parents shall be called. If necessary, the child shall be taken to the nearest emergency room.
>
> Admission or readmission of any child after a communicable disease shall be allowed if the recommendations of the Texas Department of Health are followed.

717. Medication and Special Diet Provisions

§5300 Medications.

Medications and special medical procedures shall be administered to a child only as follows:

Prescription medications shall be in the original container labeled with the child's name, a date, directions, and the physician's name. Medication shall not be administered after any stated expiration date.

All nonprescription medication, except aspirin or aspirin substitute, shall be labeled with the child's name and dated. All nonprescription medication including aspirin or aspirin substitute, shall be administered to the child only when approved in writing by health personnel or the child's parents and in accord with label instructions.

Medications shall be kept out of reach of children, or in locked storage.

Medications requiring refrigeration shall be kept separate from food.

Medications shall be returned to parents when no longer needed. Medications shall be disposed of properly when a child withdraws from the center or when the medicine is out of date.

§6200. Nutrition.
Special or therapeutic diets shall be approved in writing by a physician.

718. Waiver of Health Requirements

See 341. Children, 712. Health Assessments and 713. Immunizations

720. SAFETY

721. General Safety Requirements

§4300 Safety.
The building, grounds, and equipment shall be repaired and maintained to protect the safety of the children.

Electrical outlets accessible to children shall have child-proof covers or safety outlets.

Electric fans and heaters shall be mounted out of children's reach or have safeguards that keep children from being injured.

Window air conditioners shall be installed so children cannot reach working parts. Where 220-volt window unit connections are within children's reach, a screen or guards shall protect the connections.

Stairs and porches more than two feet above the ground shall have railings the children can reach.

The play area shall be dry and free from sharp objects. Tanks, ponds, open wells, drainage ditches, sewerage pipes, and dangerous machinery shall be fenced to keep the children out. Garbage cans and highly flammable material shall not be present in the play area. Trash cans will be permitted.

Chlorine products shall never be combined with ammonium compounds, as they produce a poisonous gas when used together.

722. Fire Safety Requirements

S4100 Fire.

In case of danger from fire, the first responsibility of the center shall be the evacuation of the children.

A fire evacuation plan shall be posted in each room used by the children, and all staff members shall be instructed as to what to do in an emergency. Fire drills shall be held quarterly at different times during the center's operation using these plans.

The building shall permit children fast and safe exit with three minutes in an emergency.

Heating devices and their nearby areas shall present no fire hazards.

> Gas appliances shall have metal tubing and connections, unless otherwise approved by the fire marshal.
>
> Open flame space heaters are prohibited. Space heaters shall be enclosed and have the seal of approval of a test laboratory approved by the fire marshal. Floor furnaces shall be enclosed to keep children off them.
>
> Space heaters designed to be vented shall be vented to the outside as approved by the fire marshal.

Combustible material shall be kept away from light bulbs and other heat sources.

Gas pipes in day care centers shall be tested annually for leaks. A copy of the test report shall be available at the facility.

723. Transportation

§7700 Transportation.
When a day care center provides transportation, children shall be safely seated when the vehicle is in motion.

Children shall be loaded and unloaded at the curb side of the vehicle or in a protected parking area or driveway.

A first aid kit shall be in all vehicles regularly transporting children.

Children shall not be transported in the open back of a truck.

Staff-child ratio for the transportion of children shall be met.

> One attendant in addition to the driver shall be present for each group of four children (or fraction of a group) under two years of age.

For children two years of age or older the staff-child ratio shall be established by any of the options outlined in Subsection 2400, Standard 1. (See 411. Staff/Child Ratio as of March, 1981) If there are children under four years of age, there shall always be at least two adults present.

724. Safety Requirements for Equipment

§4300 Safety.

Indoor and outdoor equipment and supplies shall be safe for the children.

Outdoor play equipment shall be away from busy areas in the yard and securely anchored, unless portable by design.

Toys that use anything that explodes (such as caps) or that shoot things (such as darts or BB's) shall not be allowed.

Furnishings, equipment, and toys shall have no lead painted surfaces or contain toxic material.

Toxic substances, both indoors and out, shall not be accessible to children.

725. Water Activities (Including Swimming)

§7600 Water Activities.

When a splashing pool (six inches of water or less) or a wading pool (more than six inches of water but less than two feet) is used, the following shall apply:

The pool shall be drained and cleaned after each use and maintained as required by local regulations and the standards of the Texas Department of Health for such pools.

When such pools are not in use, they shall be out of the child's reach.

One staff member with knowledge of water safety shall supervise at all times. When children under four are in the water, two staff members shall supervise.

When a swimming pool (more than two feet of water) is used, the following shall apply:

At the day care center, a pool shall be enclosed by a fence at least six feet high and built so children cannot easily climb over it. The gate shall be locked when the pool is not in use. Machinery rooms near all pools shall be locked.

All pools shall be maintained as stated in the standards of the Texas Department of Health and local regulations.

One lifesaving device shall be provided for each 2,000 square feet of water surface (or portions thereof) with a minimum of two for each pool.

A certified lifeguard shall be on duty at all times and shall not be counted in the staff-child ratio.

Staff-child ratio when water is used by the center is as follows:

SWIMMING

Age of Children	Number of Staff	Number of Children
6 mos. to 2 years.	1	1
2+	1	6
3+	1	8
4+	1	12
5+	1	15
6+	1	25

WADING & SPLASHING

Age of Children	Number of Staff	Number of Children
6 mos. to 2 years	2	6
2+	2	11
3+	2	13
4+	1	18
5+	1	22
6+	1	26

726. Emergency Procedures

See 722. Fire Safety Requirements

727. First Aid Supplies

§4300 Safety.

First aid supplies shall be kept handy in a designated location, out of the children's reach, and a guide to first aid and emergency care shall be posted.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§6200 Nutrition.

Food in the day care center shall be nutritious and served in variety and amounts adequate to ensure growth and development.

Daily menus for all meals and snacks prepared and served in the center shall be plainly posted. Any substitution shall be of comparable food value and shall be recorded on the menu. Menus shall be retained for 30 days.

All children shall have regular meals, mid-morning, and mid-afternoon snacks.

If food brought into the center by a child does not meet the nutritional requirements, the center must provide the additional food necessary to meet requirements. Such additional food must be offered to the child.

A child in the day care center for five to nine hours per day shall have at least one-third of his or her daily food needs met. A child in the center for nine hours or longer shall have at least one-half of his or her daily food needs met. This does not apply to the child who arrives after the evening meal and leaves before the morning meal.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION AND SERVICE REQUIREMENTS

§6100 Food Service.

All food and drink served by the center shall be of safe quality, and shall be stored, prepared, distributed, and served under sanitary and safe conditions. Food service equipment shall be washed and sanitized.

Cleaning supplies shall be clearly marked and kept separate from food.

Food service personnel shall practice good hygiene when handling food. Personnel with open or infected wounds shall not work in the food preparation area. Smoking in any of the food areas shall be forbidden.

Single service napkins, bibs, dishes, and utensils shall be discarded after use. Washable napkins, bibs, and tablecloths shall be cleaned after each use.

Children shall be encouraged, but not forced to eat.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS and TODDLERS

1110. PROGRAM OF ACTIVITIES

§7300 Infant and Toddler Care.
The environment of infants, children under 18 months of age, shall be safe and stimulating to their physical, mental, emotional, and social development. Infants shall be cared for in rooms and outdoor play areas separate from older children in accord with infant groupings stated in Standard 2400, Subsection 1.

Infants shall be talked to, held, and played with by the staff.

Each infant shall be allowed to explore outside the crib or playpen each morning and afternoon.

Infants, while awake, may remain in their cribs for up to one hour as long as they stay content and responsive.

1120. HEALTH AND SAFETY REQUIREMENTS

§7300 Infant and Toddler Care.

Infants who are not yet climbing shall have individual cribs with a waterproof mattress covered by a clean crib sheet. Mobile infants may sleep on a low cot or mat.

A staff member shall always be in the room with the infants.

Soiled or wet diapers and other clothing shall be changed promptly in a sanitary and safe manner.

> The child shall be placed on a clean washable surface or a surface with a clean, disposable covering.
>
> Individual washcloths and towels or disposable towelettes shall be used to thoroughly cleanse and dry the child.
>
> Soiled or wet reusable diapers shall be promptly rinsed by the flush toilet method. All used diapers shall be placed in a moisture proof bag or stored in a covered container which shall be cleaned daily.

When a center has a diaper flush, the number of infants under 18 months old may be subtracted from the total number of children in the center when determining the child-toilet ratio. One diaper flush may serve 17 infants.

Facilities that begin providing infant care after the effective date of this standard shall have a lavatory in the infant area.

1130. INFANT NUTRITION

§7300. Infant and Toddler Care.
Infant or toddler feeding bottles shall be clearly marked with the child's name.

Infants up to six months old shall be held while being bottle fed. Infants of more than six months shall be held, if needed. Bottles shall not be propped at any time.

Infants not yet ready for table food shall be fed an infant formula or diet approved in writing by the child's physician or parents. Written feeding instructions shall be dated and signed by the parents, and updated as changes are made.

Infants no longer being held for feeding shall be fed in a manner which ensures their safety and comfort. When an infant shows evidence of wanting to feed himself/herself, the infant shall be encouraged to do so.

Feeding problems, poor weight gain, or failure to thrive shall be promptly discussed with the parents.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

§7400 Children with Need for Special Care.
Children enrolled in the day care center who need special care due to disabling or limiting conditions shall be given the care recommended by qualified psychologists, physicians, or other experts. Care recommendations and documentation that they have been carried out shall be in the child's record.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

§3100 Space.
There shall be at least 30 square feet of indoor activity space for each child in the day care center, measured wall-to-wall on the inside, not including single use areas.

The day care center shall have at least 80 square feet of outdoor play area for each child using the area at one time. All outdoor play areas used by the children shall be accessible by a safe route and enclosed by a building or fence at least four feet high with at least two exits.

§3200 Furnishings.
Each child shall have storage available for personal belongings.

§3500 Use of Facility.
If programs not subject to regulation, use the same facilities, the day care center shall not use any space at the same time another program is using that space.

The day care center shall not have an interrupted food schedule if a common kitchen is used.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§4200 Sanitation.
There shall be adequate light, ventilation, and heating in the center.

1430. EXITS

§4100 Fire.
A facility more than one story high shall have one inside and one outside staircase leading to all floors. Exceptions shall be made only if approved by a fire marshal. If there are no outside staircases and the fire marshal's approval cannot be obtained, children shall be kept on the first floor.

A center shall have at least two exits to the outside, located on different sides of the building.

Doors opening into a fenced yard shall be easily opened from the inside by children. Doors between rooms shall not be locked while children are present.

Doors and pathways shall not be blocked.

1440. TOILETS AND LAVATORIES

§3400 Toilet Facilities.
The center shall have inside toilets in bathrooms located and equipped so children can use them independently and staff members can supervise as needed. Bathroom doors shall have no locks within the children's reach. Children shall have privacy in the use of the bathroom as needed.

There shall be one flush toilet for every 17 children.

> Urinals may be counted in the ratio of children to toilets but may not exceed 50% of the total number of toilets. Bathrooms which contain urinals shall also have flush toilets.

Potty chairs may be used by shall not be counted in the ratio of children to toilets.

There shall be one lavatory for every 17 children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

§4100 Fire.
All centers shall have an annual fire inspection with a written report. Any corrections called for in the report shall be made.

Fire inspections shall be requested from local authorities where available and from State fire authorities, if not available locally.

1530. BUILDING

Not specified

1540. HEALTH

See 1550. SANITATION

1550. SANITATION

§4200 Sanitation.
The facility shall have an annual sanitation inspection with a written report. Any corrections called for in the report shall be made.

Sanitation inspections shall be requested from local authorities where available and from State authorities when not available locally.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Texas Department of Human Resources, Minimum Standards for Kindergartens and Nursery Schools, February, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Handbook of Licensing Rules and Regulations §1630.
Definitions of Day Care Facilities. Kindergarten and Nursery School - A child care facility that offers a program for children, past their second birthday and under seven years old, for four hours or less per day.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

3100 Organization.

Kindergarten and nursery school facilities shall have a governing body that is responsible for the school's policies and for operating the school in compliance with "Minimum Standards for Kindergartens and Nursery Schools" and the child care licensing law, Chapter 42, Human Resources Code.

Corporations operating schools shall make available the following to the Department for review:

The Articles of Incorporation; or
The Certificate of Incorporation; or
The Certificate of Authority, in the case of an out-of-state corporation.

Unincorporated churches operating kindergartens and nursery schools shall make available to the Department documentation that establishes the church as a contracting body.

Corporations and churches shall make available to the Department a copy of the resolution authorizing the operation of the facility.

The governing body of a kindergarten or nursery school shall notify the Department in writing of anything which affects the status of the license. The Department shall be notified of:

Changes of the governing body or ownership.
Changes of facility director.
Change of board chairman of a corporate kindergarten or nursery school.
Change in location.
Going out of business.
Reductions or additions to indoor or outdoor space.
Changes in hours of operation.

The governing body of the kindergarten or nursery school shall designate a director on an official Department form submitted to the Department. If the owner and director are the same person, this shall be specified.

§1200 General Administration.
The kindergarten or nursery school shall display its license.

A complete copy of the Department "Minimum Standards for Kindergarten and Nursery Schools" shall be available for review by staff, parents, and others on request.

The Department shall be notified immediately of any serious occurrences that affect the school operation such as:

Death of a child while in the care of the facility.
Fire.
Serious accident, serious injury, or serious communicable disease.

§1400 Records.

All records required to be maintained and on file by the standards shall be available for inspection by the Department during hours of operation.

§2200 Director Responsibilities.

The director shall be responsible for administering the kindergarten or nursery school's day-to-day operation in compliance with minimum standards. In the absence of the director from the facility, a staff member shall be designated who has the responsibility of administering the school.

The director shall provide the staff's assignments and be responsible for staff management.

312. Telephone

§3200 Furnishings.

The kindergarten or nursery school shall have a telephone with a listed number.

313. Proof of Operator Financial Capabilities

§1400 Records.

The facility shall maintain complete financial records. The Department will check these records only on written notice from the Department's Director of Licensing.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§1200 General Administration.

Any employee or other person at the school shall be reassigned or removed from any contact with children if any of the following is returned:

> An indictment alleging commission of a felony classified as an offense against the person or family or of public indecency or a violation of the Texas Controlled Substances Act.
>
> An indictment alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.
>
> An official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.

Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the Licensing Branch within 24 hours or the next working day.

§2100 Director Qualifications.

No one may serve as the director of a kindergarten or nursery school who has been convicted within the preceding 10 years of a felony classified as an offense against the person or family or of public indecency, or a violation of the Texas Controlled Substances Act, or of any misdemeanor classified as an offense against the person or family or of public indecency unless the Director of Licensing has ruled that proof of rehabilitation has been established.

§2300 Staff Qualifications.

No one may serve in any capacity, where there is contact with children, who has been convicted within the preceding 10 years of a felony classified as an offense against the person or family or of public indecency, or a violation of the Texas Controlled Substances Act, or of any misdemeanor classified as an offense against the person or family or of public indecency unless the Director of Licensing has ruled that proof of rehabilitation has been established.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

§1300 Enrollment.

The Kindergarten or Nursery School shall not practice racial discrimination.

340. RECORDS REQUIREMENTS

341. Children

§1300 Enrollment.

An enrollment agreement shall be obtained for each child prior to admission, filed at the school, and the director shall be responsible for assuring that the terms of the agreement are met.

An agreement signed by the parent and the director shall contain:

Child's name, birth date, home address, and home telephone number.

Name and address of parents and telephone numbers at which parents may be reached while the child is in care.

A statement that the child will be released only to parents or a person designated by the parents and a statement that persons bringing the child or picking up a child will be sure that a staff member is aware of the child's arrival and departure.

The hours the child shall be in school.

Emergency medical authorization and the name, address, and telephone number of the child's physician.

Transportation permission, if any.

Permission to participate in water activities, if any.

Special problems or needs of a child as indicated by the parents including allergy and a statement that special problems or occurrences in the school affecting the child will be brought to the attention of the parents. This includes serious communicable diseases in the facility.

A statement that a staff member shall be available for conferences.

§1400 Records.

A record shall be maintained for each child that includes brief statements of the child's progress.

Statistical records of daily attendance of children and staff shall be kept for the previous three months.

§5100 Health Requirements for Children.

Evidence shall be required that each child is physically able to participate in the school program. Evidence of each child's health shall be presented by his or her parents when admitted or within one week of admission. Any of the following constitutes compliance:

A written statement from a licensed physician that a child has been examined within the previous 12 months; or

A copy of the medical screening form of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program if no referral for further diagnosis and treatment is indicated; or

A form or written statement from a health service or clinic, such as:
Head Start physical exam,
Well-child conferences (clinics),
Maternity and infant programs,
Children and youth programs; or

If the above are not available, parents shall submit a written statement that the child has been examined by a licensed physician within the last year and is able to participate in the program. This shall be followed within 12 months by a document as described above; or

If the parents cannot get the above within one week, a signed statement by the parents giving either the name and address of a physician with whom an appointment has been made, or the address of an EPSDT screening site where the examination will take place, and following the examination a document as described above shall be submitted, or

A signed statement from the parents that medical diagnosis and treatment are against their religion.

As annual evidence of the two, three, or four-year old child's continued ability to participate in the program, either of the following is acceptable:

A written or oral statement by the parents that the child is enrolled in an on going health supervision program with annual evaluation as described above. An oral statement must be documented in the child's record; or

An annual statement from a licensed physician that the child can participate in the program.

The kindergarten and nursery school shall comply with laws, rules, and regulations regarding immunization of children. (Chapter 42, Human Resources Code, Sec. 42.043.) Current immunization records shall be maintained for each child at the school. Each child's immunization record shall include the birthdate, the immunization status, the number of doses, and the dates each immunization was received. A machine or handwritten copy of the immunization record is acceptable. Handwritten copies shall bear the signature of the responsible staff member copying the information. Compliance with the standard shall be measured by the presence of one or more of the following for each child in the school.

A written and dated record that the child has been immunized against diptheria, tetanus, pertussis, polio, measles, mumps, and rubella. This record shall have a rubber stamp or signature of the physician or health personnel and shall specify the type, number of doses, and dates given as required by law.

A written and dated statement from a licensed physician or other authorized health personnel that immunizations against at least one of the above mentioned diseases have begun. The immunization cycle shall be completed as soon as is medically feasible. A current immunization record shall be on file at the school.

A certificate signed by a physician, duly registered and licensed under the Medical Practice Act, stating the physician's opinion that the required immunization would be injurious to the health and well-being of the child or a member of his or her family or household.

An affidavit signed by the physician or managing conservator of the child stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the child or parent is an adherent or member.

342. Staff

§2200 Director Responsibilities.
The director shall be responsible for maintaining personnel records. Personnel records shall include:

> Three references attesting to the employee's suitability for the job. References shall be unrelated to the employee. This does not apply to persons employed by the facility prior to June 29, 1976. References shall include:
>
> > The name, address, and telephone number or each reference.
> >
> > Written statements signed by the references or quotes from the references written and signed by the director.
>
> A statement from the employee providing information concerning whether there have been any convictions within the preceding 10 years of any felony or misdemeanor and of any pending criminal charges.
>
> Each staff member, including volunteers who are counted in the staff-child ratio, shall have a record of a tuberculosis examination no earlier than 12 months prior to employment.

Re-examination shall be in accordance with the recommendations of local health authorities or the regional offices of the Texas Department of Health.

Household members older than 14 who are in the school where there are children present, shall also be required to obtain this information. Household members under 14 yers old who are in the school shall meet the same requirements as children in the school.

343. Child Eligibility and Enrollment Requirements

§1300 Enrollment.
Parents shall be informed about the school's activities and policies before their child is enrolled.

344. Child Abuse Reporting

§1200 General Administration.
Suspected child abuse or neglect shall be reported as required by the Texas Family Code.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§2400 Staff-Child Ratio.
In Kindergarten and Nursery Schools, the number of children shall not exceed the following:

DAY CARE CENTERS TEXAS
(Kindergartens and Nursery Schools)

Age of Youngest Child in Group	Number of Children of Youngest Age	Maximum Number of Children to be supervised by One Staff Person
2 years	If there are 5 or more two year olds	11
2 years	If there are no more than 4 two year olds	13
3 years	If there are 7 or more three year olds	15
3 years	If there are no more than six three year olds	17
4 years	If there are 11 or more four year olds	18
4 years	If there are no more than 10 four year olds	20
5 years	If there are 13 or more five year olds	24
5 years	If there are no more than 12 five year olds	26
6 years	—	28

412. Methods of Computing Staff/Child Ratios

§2400 Staff-Child Ratio.
In determining staff-child ratio, the following shall apply:

The development or emotional age of mentally retarded or emotionally disturbed children, as determined by a qualified consultant shall be used to determine the staff-child ratio not their chronological ages.

Staff-child ratios shall be maintained at all times except for transportation and water activities.

420. GROUP SIZE

421. Group Size as of March, 1981

§2400 Staff-Child Ratio.
No more than 45 children may participate in a regular classroom program and staff-child ratio shall be maintained.

More than 45 children may be combined for joint activities that are not usually longer than 45 minutes as long as the staff-child ratio is maintained.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

§2300 Staff Qualifications.
Staff who work directly with children and who are counted in the staff-child ratio shall be 18 years old or older, except as stated ...below and able to read and write.

> Persons under 18 years old who have a high school diploma may be counted in the staff-child ratio.
>
> Students under 18 years old who are enrolled in child care-related career programs approved by the Texas Education Agency or other State or Federally approved programs, or who are on summer vacation from career programs may be given responsibility for children and counted in the staff-child ratio.

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> A person 14 through 17 years old may work under the direct supervision of the director or a teacher, but cannot be counted in the staff-child ratio.

Staff members who have primary responsibility for and work with a kindergarten class shall have a bachelor's degree from an accredited college or university, or a valid teacher's certificate, or a Child Development Associate Credential, or an associate of arts degree in child development or a closely related field.

This requirement does not apply to persons who were working with kindergarten children on June 29, 1976.

512. Health

See 342. Staff

513. Education

See 511. Age

514. Experience

§2300 Staff Qualifications.

Staff members shall demonstrate competency in working with children and be mentally, physically, and emotionally able to assume assigned responsibilities.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

§2100 Director Qualifications.

The director of a kindergarten or nursery school facility shall be 18 years old or older; have a high school diploma or its equivalent; and

One year of experience in group child care, family day care, teaching, administration, or management; or

A bachelor's degree from an accredited college or university; or

A Child Development Associate Credential; or

An associate of arts degree in child development or a closely related field.

Proof of meeting the qualifications shall be available to the Department.

The above requirements do not apply to persons who were directors of kindergartens or nursery schools on June 29, 1976.

522. Health
See 342. Staff

523. Education
See 521. Age

524. Experience
See 521. Age

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

§2500 Training.
Training and orientation in understanding children and improving job performance shall be required of all kindergarten and nursery school staff. Documentation of training and orientation shall be on file at the facility. Before beginning work:

> Staff shall be informed about "Minimum Standards for Kindergartens and Nursery Schools" and the licensing law. These two documents shall be available to staff for review.
>
> Staff shall be informed of school policies, including discipline.
>
> Staff shall be instructed on symptoms of child abuse or neglect and staff responsibility for reporting these.

Each staff member, including the director, shall participate in at least 12 clock hours yearly of training. The training shall be documented in the staff member's record at the facility. A year shall be defined as 12 months from the date of employment.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§2300 Staff Qualifications.
Every employee shall relate to the children with courtesy, respect, acceptance, and patience.

§2400 Staff-Child Ratio.
Children shall be supervised at all times.

Children shall not be out of control.

§7100 Operation.

Activities shall be provided for each group according to the ages, interests, and abilities of the children. The activities shall be flexible and promote the physical, emotional, social, and mental growth of each child.

Physical care routines shall be appropriate to the developmental needs of the child.

Indoor and outdoor period shall provide for:

- Active and quiet activities.
- Individual, small, and large group activities.

The safety of the children shall be ensured on field trips or excursions. Children shall be accounted for before, during, and after field trips.

612. Program Equipment and Materials

§3200 Furnishings.

There shall be information seating for all children

3300 Equipment.

Indoor and outdoor material and equipment shall be provided that are appropriate to the developmental needs, individual interests, and ages of the cildren and to the educational goals of the facility.

There shall be a sufficient amount of equipment and materials so that there is not excessive competition among the children or long waits for materials.

Equipment and supplies shall include the following:

- Books.
- Art materials.
- Music materials.
- Manipulative materials.

Blocks and accessories.

Dramatic play, including homemaking equipment and dolls.

Science materials.

Climbing equipment.

In schools whose educational goals do not require the above equipment:

A written statement of instructional goals of each curriculum area and instructional level is required. A copy of this statement shall be furnished to each parent and available to the Department.

Enough materials and a variety of equipment shall support the teaching program.

Materials and equipment shall be accessible to teachers and pupils and serve the interests and developmental level of the pupils.

The facility shall have on file a list of equipment and material that supports each instructional goal.

613. Nap Provision

Not specified

614. Discipline and Guidance

§7200 Discipline and Guidance.

Discipline and guidance shall be consistent, shall be based on an understanding of the child's needs and development, and shall promote self-discipline and acceptable behavior.

There shall be no cruel, harsh, or unusual punishment.

No child of any age shall ever be shaken or hit, and no child under five years old shall ever be spanked.

If the governing body believes that it is necessary to spank children who are past their fifth birthday, there shall be a statement on file at the facility that it is the facility's policy to permit physical punishment. The statement of the rules that the facility has adopted concerning the administration of physical punishment shall include that spanking can be done only with a staff member's open hand on a child's buttocks. Each incident shall be witnessed by another staff member and documented in the facility's records. The facility shall inform the parents of the policy, in writing, and shall have the parents' signed approval.

Brief, supervised separation from the group may be used if necessary, but no child shall be placed in a locked room.

Children shall not be humiliated or subjected to abusive or profane language. Punishment shall not be associated with food, naps, or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

§5100 Health Requirements for Children.
The child shall be tested for tuberculosis according to recommendations of the Texas Department of Health. For recommendations, contact the local health authorities or the regional offices of the Texas Department of Health.

See also 341. Children

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713. Immunizations

See 341. Children

714. Sanitation

§4200 Sanitation.

The school's building, grounds, and equipment shall be cleaned, repaired, and maintained to protect the health of the children.

The facility shall have an adequate supply of water that meets the requirements for drinking water of the Texas Department of Health. Whenever possible, the water supply shall be from an existing public drinking water system.

Drinking water shall always be available to children. It shall be supplied in a safe and sanitary manner.

The temperature of any hot water available to the children shall be controlled by a thermostat so it cannot scald. (Maximum temperature shall be 120 degrees Fahrenheit or below.)

Adequate and safe flush toilets and sewerage systems shall be provided. Whenever possible, the facility shall be connected to a public sewerage system. Where public sewers are not available, treatment facilities meeting the standards of the Texas Department of Health and approved by the local health authority shall be installed to dispose of sewage.

Garbage shall be kept in containers with tight lids away from areas used by children and removed from the school at least twice a week.

Schools shall take measures to keep the facility free of insects and rodents.

Staff and children shall wash their hands after using the toilet and before eating.

If washcloths are used by or for cleaning the children, a clean individual cloth shall be used for each child.

715. Daily Illness Screening

§5200 Illness or Injury.
The child who is apparently ill shall not be admitted unless approved by health personnel.

716. Care of Sick Children

§5200 Illness or Injury.
The handling of illness in the facility shall protect the health of all the children.

> When ill, a child shall be given a bed or cot away from other children and the child's parents shall be called immediately. The sick child shall be supervised until leaving the school.
>
> The child shall be given first aid if needed. In the case of a critical illness or injury, the physician named by the parents shall be called. If necessary the child shall be taken to the nearest emergency room.

Admission or re-admission after a communicable disease shall be allowed if the recommendations of the Texas Department of Health are followed.

717. Medication and Special Diet Provisions

§5300 Medications.
Medications and special medical procedures shall be administered to a child only as follows:

> Prescription medication shall be in the original container labeled with the child's name, a date, directions, and the physician's name. Medication shall not be administered after any stated expiration date.

All nonprescription medication (except aspirin or aspirin substitute) shall be labeled with the child's name and dated. All nonprescription medication (including aspirin or aspirin substitute) shall be administered to the child only when approved in writing by health personnel or the child's parents, and in accord with label instructions.

Medication shall be kept out of reach of children or in locked storage.

Medication requiring refrigeration shall be kept separate from food.

Medication shall be returned to the parents when no longer needed. Medication shall be disposed of properly when a child withdraws from the school or when the medication is out of date.

718. Waiver of Health Requirements

See 341. Children

720. SAFETY

721. General Safety Requirements

§4300 Safety.
The building, grounds, and equipment shall be repaired and maintained to protect the safety of the children.

Electric fans and heaters shall be mounted out of children's reach or have guards which prevent children from being injured.

Window air conditioners shall be installed so children cannot reach working parts. Where 200 volt window unit connections are within reach of children, a secure screen or guard shall protect the connections.

Stairs and porches over two feet above the ground shall have railings that children can reach.

The outside area shall be dry and free from sharp objects. Tanks, ponds, open wells, drainage ditches, sewage pipes, and dangerous machinery shall be fenced to keep the children out. Garbage cans or highly flammable material shall not be in the outdoor activity area. Trash cans are permitted.

Indoor and outdoor equipment and supplies shall be safe for the children.

Outdoor equipment shall be away from busy areas in the yard and securely anchored unless portable by design.

Equipment, materials, and toys that use anything that explodes (such as caps) or that shoot things (such as darts or BB's) shall not be allowed.

Furnishings, equipment, and toys shall have no lead painted surfaces or contain toxic materials.

Toxic substances, both indoors and out, shall not be accessible to children.

Chlorine products and ammonium compounds shall not be combined since they produce a poisonous gas.

722. Fire Safety Requirements

§4100 Fire.
In case of danger from fire, the first responsibility for staff shall be the evacuation of the children.

The school shall have at least one fire extinguisher approved by the fire marshal. Fire extinguishers shall be checked annually and serviced if needed. These shall be located where readily available.

A fire evacuation plan shall be posted in each room used by the children and all staff members shall be instructed as to what to do in an emergency. Fire drills shall be held quarterly at different times of the school's operating day using these plans.

The building shall permit children fast and safe exit within three minutes in case of emergency.

Heating devices and their nearby areas shall not be fire hazards.

> Gas appliances shall have metal tubing and connections unless otherwise approved by the fire marshal.
>
> Open flame space heaters are prohibited. Space heaters shall be enclosed and have the seal of approval of a test laboratory approved by the fire marshal. Floor furnaces shall be enclosed to keep children off them.
>
> Space heaters designed to be vented shall be vented to the outside as approved by the fire marshal.

Combustible material shall be kept away from light bulbs and other heat sources.

Gas pipes shall be tested annually for leaks. A copy of the test report shall be available at the facility.

723. Transportation

§7500 Transportation.
When a kindergarten or nursery school provides transportation, children shall be safely seated when the vehicle is in motion.

Children shall be loaded and unloaded at the curb side of the vehicle or in a protected parking area or driveway.

A first aid kit shall be in all vehicles regularly transporting children.

Children shall not be transported in the open back of a truck.

The staff-child ratio for the transportation of children shall be met.

> The staff-child ratio for preschool children, ages two and three, shall be as indicated in Subsection 2400, Standard 1. (See 411 Staff/Child Ratio as of March, 1981). The driver shall not be counted in the staff-child ratio.
>
> For children past their fourth birthday, the staff-child ratio shall be as indicated in Subsection 2400, Standard 1. (See 411. Staff/Child Ratio as of March, 1981) The driver may not be counted in the staff-child ratio.

724. Safety Requirements for Equipment

See 612. Program Equipment

725. Water Activities (Including Swimming)

§7400 Water Activities.
When a splashing pool or a wading pool (less than two feet of water) is used, the following shall apply:

> The pool shall be drained and cleaned after each use and maintained as required by local regulations and the standards of the Texas Department of Health for such pools.
>
> When such pools are not in use, they shall be out of the reach of children.
>
> One staff member with knowledge of water safety shall supervise at all times. When children under four are in the water, two staff members shall supervise.

When a swimming pool (more than two feet of water) is used, the following shall apply:

> At the school, a pool shall be enclosed by a fence at least six feet high and built so children cannot easily climb over it. The gate shall be locked when the pool is not in use. Machinery rooms near all pools shall be locked.
>
> All pools shall be maintained as stated in the standards of the Texas Department of Health and local regulations.
>
> One lifesaving device shall be provided for each 2,000 square feet of water surface (or portion thereof) with a minimum of two devices per pool.
>
> A certified lifeguard shall be on duty at all times and shall not be counted in the staff-child ratio.

Staff-child ratio shall be maintained for water activities according to the following:

SWIMMING

Age of Children	Number of Staff	Number of Children
2+	1	6
3+	1	8
4+	1	12
5+	1	15
6+	1	25

WADING AND SPLASHING

Age of Children	Number of Staff	Number of Children
2+	2	11
3+	2	13
4+	1	18
5+	1	22
6+	1	26

726. Emergency Procedures

Not specified

727. First Aid Supplies

§4300 Safety.

First aid supplies shall be kept handy in a designated location out of children's reach, and a guide to first aid and emergency care shall be posted.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§6100 Food Service.

Children shall be encouraged, but not forced to eat.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§6100 Food Service.

All food and drink served by the school shall be of safe quality, and shall be stored, prepared, distributed and served under sanitary and safe conditions. Food service equipment shall be washed and sanitized.

Cleaning supplies shall be clearly marked and kept separate from food.

Food service personnel shall practice good hygiene when handling food. Personnel with open or infected wounds shall not work in the food preparation area. Smoking in any of the food areas shall be forbidden.

Single service napkins, dishes, and utensils shall be discarded after use. Washable napkins and tablecloths shall be cleaned after each use.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

§7300 Children With Need for Special Care.
Children enrolled in the kindergarten or nursery school who need special care due to disabling or limiting conditions shall be given care recommended by qualified psychologists, physicians, or other experts. Care recommendations and documentation that they have been carried out shall be in the child's record.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

§3100 Space.
There shall be at least 20 square feet of indoor activity space for each child at the school, measured wall-to-wall on the inside, not including single use areas.

the facility shall have at least 80 square feet of outdoor activity area for each child using the area at one time. All outdoor play areas used by the children shall be accessible by a safe route and enclosed by a building or fence at least four feet high with at least two exits.

§3200 Furnishings.

Each child shall have storage available for personal belongings.

§3500 Use of Facility.

If programs not subject to regulation use the same facilities, the kindergarten or nursery school shall not use any space at the same time another program is using that space. The kindergarten or nursery school shall not have an interrupted food schedule if a common kitchen is used.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§4200 Sanitation.

There shall be adequate light, ventilation, and heating in the school.

1430. EXITS

§4100 Fire.

The building shall permit children fast and safe exit within three minutes in case of emergency.

> A school more than one story high shall have one inside and one outside staircase leading to all floors. Exceptions shall be made only if approved by the fire marshal. If there are no outside staircases and the fire marshal's approval cannot be obtained, children shall be kept on the first floor.
>
> The building shall have at least two exits to the outside, located on different sides of the facility.

Doors opening into a fenced yard shall be able to be easily opened from the inside by children. Doors between rooms shall not be locked while children are at school.

Doors and pathways shall not be blocked.

1440. TOILETS AND LAVATORIES

§3400 Toilet Facilities.
The facility shall have inside toilets and bathrooms located and equipped so that children can use them independently and staff members can supervise as needed. Bathroom doors shall have no locks within the children's reach. Children shall have privacy in the use of the bathroom as needed.

There shall be one flush toilet for every 20 children in the facility. Urinals may be counted in the ratio of children to toilets but may not exceed 50 percent of the total number of toilets. Bathrooms which contain urinals shall also have flush toilets. Potty chairs may be used but cannot be counted in the ratio of children to toilets.

There shall be one lavatory for every 20 children in the facility.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

§4100 Fire.
The school shall have an annual fire inspection with a written report. Any corrections called for in the report shall be made.

Fire inspections shall be requested from local authorities, where available, and from State fire authorities, if not available locally.

1530. BUILDING

Not specified

1540. HEALTH

See 1550. SANITATION

1550. SANITATION

§4200 Sanitation.

The school shall have an annual sanitation inspection with a written report. Any corrections called for in the report shall be made. Sanitation inspections shall be requested from local authorities where available and from State authorities when not available locally.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Texas Department of Human Resources, Minimum Standards for Schools: Grades Kindergarten and Above, February, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Handbook of Licensing Rules and Regulations §1630.
Definitions of Day Care Facilities. Schools: Grades Kindergarten and Above - A child care facility that offers an educational program for children, in one or more grades, past their fourth birthday and not yet 14 years of age, and that operated only during the customary public school day.

112. Exclusions and Exemptions

See DAY CARE CENTERS

113 HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

3100 Organization.

Schools shall have a governing body that is responsible for the school's policies and for operating the school in compliance with "Minimum Standards for Schools: Grades Kindergarten and Above" and the child care licensing law (Chapter 42, Human Resources Code).

Corporations operating schools shall make available the following to the Department for review:

The Articles of Incorporation, or
The Certificate of Incorporation, or
A copy of the Certificate of Authority in the case of an out-of-state corporation.

Unincorporated churches operating schools shall make available to the Department documentation that establishes the church as a contracting body.

Corporations and churches shall make available to the Department a copy of the resolution authorizing the operation of the facility.

The governing body of a school shall notify the Department of any occurrence that affects the status of the school license.

The Department shall be notified of:

Changes of the governing body or ownership.
Change of facility director.
Change of board chairman of a corporate school.
Change in location.
Termination of operation.
Reductions or additions to indoor or outdoor space.
Change in school hours of operation.

The governing body shall designate a director on an official Department form submitted to the Department. If the owner and the director are the same person, this shall be specified.

§1200 General Administration.
The school shall display its license.

A complete copy of the Department "Minimum standards for Schools: Grades Kindergarten and Above" shall be available for review by staff, parents, and others on request.

The Department shall be notified immediately of any serious occurrences that affect the school operations such as:

Death of a child while in the care of the facility,
Fire,
Serious accident, serious injury, or serious communicable disease.

Family Code.

§1400 Records.

All records required to be maintained and on file by the standards shall be available for inspection by the Department during hours of operation.

§2200 Director Responsibilities.

The director shall be responsible for administering the school's day-to-day operation in compliance with minimum standards. In the director's absence from the facility, the school shall be left with a staff member designated who has the responsibility of administering the school.

The director shall provide the staff's assignments, and be responsible for staff management.

312. Telephone

§3200 Furnishings.

The school shall have a telephone with a listed number.

313. Proof of Operator Financial Capabilities

§1400 Records.

The facility shall maintain complete financial records. The Department will check these records only on written notice from the Department's Director of Licensing.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§1200 General Administration.
Any employee or other person at the school shall be reassigned or removed from any contact with children if any of the following is returned:

> An indictment alleging commission of a felony classified as an offense against the person or family or of public indecency or a violation of the Texas Controlled Substances Act.
>
> An indictment alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.
>
> An official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.

Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the Licensing Branch within 24 hours or the next working day.

§2100 Director Qualifications.
No one may serve as the director of a school who has been convicted within the preceding 10 years of a felony classified as an offense against the person or family or of public indecency or a violation of the Texas Controlled Substances Act or of any misdemeanor classified as an offense against the person or family or a public indecency unless the Director of Licensing has ruled that proof of rehabilitation has been established.

§2300 Staff Qualifications.

No one may serve in any capacity where there is contact with children who has been convicted within the preceding 10 years of any felony classified as an offense against the person or family or of public indecency or a violation of the Texas Controlled Substances Act, or of any misdemeanor classified as an offense against the person or family or of public indecency, unless the Director of Licensing has ruled that proof of rehabilitation has been established.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

§1300 Enrollment.

The school shall not practice racial discrimination.

340. RECORDS REQUIREMENTS

341. Children

§1300 Enrollment.

An enrollment agreement shall be obtained for each child prior to admission, filed at the school, and the director shall be responsible for assuring that the terms of the agreement related to intems a-i are met.

The agreement signed by the parents and director shall contain:

Child's name, birthdate, home address, and telephone number.

Name and address of parents and telephone numbers at which parents can be reached while child is in school.

The names of persons to whom the child may be released.

The hours the child shall be in school.

Emergency medical authorization and the name, address, and telephone number of the child's physician.

Transportation permission, if any.

Permission to participate in water activities, if any.

Special problems or needs of a child as indicated by the parents, including allergy and a statement that special problems or occurrences affecting a child will be brought to the attention of the parents. This includes serious communicable diseases in a school.

A statement providing for parent conferences.

The school shall have policies concerning the admission of pupils who transfer from other schools. This policy shall be written and available to the Department, parents, and other schools.

§1400 Records.
A record shall be maintained for each child that includes brief statements of the child's progress.

Statistical records of daily attendance of children and staff shall be kept for the previous three months.

342. Staff

§2100 Director Qualifications.
The director shall submit:

A record of training and experience,
Information as to convictions within the preceding 10 years of any felony or misdemeanor,
Information of any pending criminal charges,

A list of references with addresses and telephone numbers on an official Department form. The references shall be adults not related to the director.

§2200 Director Responsibilities.
The director shall be responsible for maintaining personnel records. Personnel records shall include:

> Three references attesting to the employee's suitability for the job. References shall be unrelated to the employee. This does not apply to persons employed by the facility prior to June 29, 1976. References shall include:
>
> > The name, address, and telephone number for each reference.
> >
> > Written statements signed by the references or quotes from the references written and signed by the director.
>
> A statement from the employee providing information concerning whether there have been any conviction within the preceding 10 years of any felony or misdemeanor and of any pending criminal charges.
>
> Each staff member, including volunteers who are counted in the staff-child ratio, shall have a record of a tuberculosis examination no earlier than 12 months prior to employment.

Re-examination shall be required in accordance with the recommendations of the local health authorities or the regional office of the Texas Department of Health. Household members older than 14, who are at the school during its operation, shall also obtain this information. Household members under 14 years old shall meet the same requirements as the children enrolled.

343. Child Eligibility and Enrollment Requirements

§1300 Enrollment.
Parents shall be informed about the school's activities and policies before their child is enrolled.

344. Child Abuse Reporting

§1200 General Administration.

Suspected child abuse or neglect shall be reported as required by the Texas Family Code.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§2400 Staff-Child Ratio.

The number of children supervised by one teaching staff member shall not exceed the following ratios:

Grade	Number of Children
Kindergarten	24
lst - 3rd	28
4th +	32

All persons working with children and counted in the staff-child ratio shall be free from other duties except those directly involved in the care and supervision of children. Staff members supervising the children shall be responsible for duties of the classroom in direct relationship to the needs of the group. These responsibilities shall include keeping the group's area clean, but shall not include food preparation or janitorial duties.

412. Methods of Computing Staff/Child Ratios

§2400 Staff-Child Ratio.

In determining the staff-child ratio the following shall apply:

> The developmental or emotional age of mentally retarded or emotionally disturbed children as determined by a qualified consultant shall be used to determine the staff-child ratio, not their chronological ages.
>
> Staff-child ratios stated in Subsection 2400, Standard 1, shall be maintained except during transportation and water activities. See Section 7000, Activities, for transportation and water activities (723. Transportation and 725. Water Activities (Including Swimming)).

420. GROUP SIZE

421. Group Size as of March, 1981

§2400 Staff-Child Ratio.

No more than 60 children may participate in a regular classroom program and staff-child ratio shall be maintained.

More than 60 children may be combined for joint activities of limited duration as long as the staff-child ratio is maintained.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

§2300 Staff Qualifications.
Persons whose behavior or health status appears to endanger the health, safety, and well-being of children shall not be allowed at the school.

See also 342. Staff

513. Education

§2300 Staff Qualifications.
Staff who teach first grade and above and who are counted in the staff-child ratio shall have a bachelor's degree from an accredited college or university or a valid teaching certificate.

> Proof of meeting the educational requirement shall be available to the Department.
>
> This requirement does not apply to persons who were teaching first grade or above on June 29, 1976.

Staff who teach kindergarten shall have a bachelor's degree from an accredited college or university, or a valid teaching certificate, or a Child Development Associate Credential, or an associate of arts degree in child development or a closely related area.

> Proof of meeting the educational requirement shall be available to the Department.
>
> This requirement does not apply to persons who were teaching kindergarten on June 29, 1976.

Staff may be assigned as aides to classroom teachers and may be counted in staff-child ratio.

Aides shall be at least 18 years old and able to read and write.

Aides shall work in the same room with and be supervised by classroom teachers.

514. Experience

§2300 Staff Qualifications.
All staff shall demonstrate competency in working with children and be mentally, physically, and emotionally able to perform assigned duties.

Assignments of persons shall be determined by their competency. Consideration shall be given to the judgement and self-control required by the tasks.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age
Not specified

522. Health
See 342. Staff, and 512. Health

523. Education

2100 Director Qualifications.
The director of a school shall have a bachelor's degree from an accredited college or university and two years of experience in teaching, administration, or management. Proof of meeting the qualifications shall be available to the Department. These requirements do not apply to persons who were directors of schools on June 29, 1976.

524. Experience

See 514. Education

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

§2500 Training.

Training and orientation in understanding children and improving job performance shall be required of all school staff. Documentation of training and orientation shall be on file at the facility. Before beginning work:

> Staff shall be informed about the "Minimum Standards for Schools: Grades Kindergarten and Above" and the licensing law. These two documents shall be available to staff for review.
>
> Each staff member shall be informed of school policies, including discipline.
>
> Each staff member shall be instructed on symptoms of child abuse or neglect and staff responsibility for reporting these.

Each member, including the director, shall participate in at least 12 clock hours of training each year. Training shall be documented in the staff person's record at the facility. A year shall be defined as 12 months from the date of employment.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

§2300 Staff Qualifications.
Staff shall relate to the children with courtesy, respect, acceptance, and patience.

§2400 Staff-Child Ratio.
Each child shall have a teaching staff member who is responsible for him or her and who is aware of details about the child's habits, interests, and any special problems.

Children shall be supervised at all times.

Children shall not be out of control.

§7100 Operation.
Activities shall be provided for each group according to the ages, interests, and abilities of the children. The activities shall be flexible and promote the physical, emotional, social, and mental growth for each child.

Indoor and outdoor periods shall provide for:

Physical routines appropriate to the developmental need of the child.
Active and quiet activities.
Individual, small, and large group activities.

The safety of children shall be ensured on field trips or excursions. Children shall be accounted for before, during, and after field trips.

612. Program Equipment and Materials

§3200 Furnishings.
There shall be a sufficient number of chairs and tables or desks to meet the needs of the children.

§3300 Equipment.
There shall be a sufficient amount and variety of indoor and outdoor materials and equipment to support the instructional program. These materials shall be accessible to teachers and pupils and shall meet the individual interests and developmental level of the pupil. There shall be a sufficient amount of equipment and materials so that there is not excessive competition among the children or long waits for materials.

613. Nap Provision

Not specified

614. Discipline and Guidance

§7200 Discipline and Guidance.
Discipline and guidance shall be consistent, shall be based on an understanding of individual needs and development, and shall promote self-discipline and acceptable behavior.

There shall be no cruel, harsh, or unusual punishment.

> No child of any age shall ever be shaken or hit, and no child under five years old shall ever be spanked.
>
> If the governing body believes that it is necessary to spank children who are past their fifth birthday, there shall be a statement on file at the school that it is the school's policy to permit physical punishment. The statement of the rules that the school has adopted concerning the administration of physical punishment shall include that spanking can be done only with a staff member's open hand on a child's buttocks. Each

incident shall be witnessed by another staff member and documented in the school's records. The school shall inform the parents of the policy, in writing, and shall have the parents' signed approval.

Brief, supervised separation from the group may be used if necessary, but no child shall be placed in a locked room.

Children shall not be humiliated or subjected to abusive or profane language. Punishment shall not be associated with food.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

§5100 Health Requirements for Children.

Evidence shall be required that each child is physically able to participate in the school activities. Evidence of the general state of each child's health shall be presented by his or her parents when admitted to the school or within one week of admission. Any of the following constitutes compliance:

A written statement from a licensed physician that he or she has examined the child within the past year; or

A copy of the medical screening form of the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program if no referral for further diagnosis and treatment is indicated; or

A form or written statement from a health service or clinic, such as:

Head Start physical exam,
Well-child conferences (clinics),
Maternity and infant programs,
Children and youth programs; or

If the above are not available, the parents shall submit a written statement that the child has been examined by a licensed physician within the past year and is able to participate in the program. This shall be followed within 12 months by a document as described (above); or

If the parents cannot get the above within one week, a statement signed by the parents giving the name and address of the physician with whom an appointment for the examination has been made, or the address of an EPSDT screening site where the examination will take place and following the examination a document as described (above) shall be submitted: or

A signed statement from the parents that medical diagnosis and treatment are against their religion.

The child shall be tested for tuberculosis according to the recommendations of the Texas Department of Health. For recommendations, contact the local health authorities, or the regional office of the Texas Department of Health.

713. Immunizations

§5100 Health Requirements for Children.
The school shall comply with laws, rules, and regulations regarding immunization of children. (Chapter 42, Human Resources Code, Sec. 41.043.) Current immunization records shall be maintained for each child at the school. Each child's immunization record shall include the birthdate, the immunization status, the number of doses, and the dates each immunization

was received. A machine or handwritten copy of the immunization record is acceptable. Handwritten copies shall bear the signature of the responsible staff member copying the information. Compliance with the standard shall be measured by the presence of one or more of the following for each child in school:

A written and dated record that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella. This record shall have a rubber stamp or signature of th physician or health personnel and shall specify the type, number of doses, and dates given as required by law.

A written and dated statement from a licensed physician or other authorized health personnel that immunizations against at least one of the above mentioned diseases have begun. The immunization cycle shall be completed as soon as is medically feasible. A current immunization record shall be on file at the school.

A certificate signed by a physician, duly registered and licensed under the Medical Practice Act, stating the physician's opinion that the required immunization would be injurious to the health and well-being of the child or a member of his or her family or household.

An affidavit signed by the parent or managing conservator of the child stating that the immunization conflicts with the tenents and practice of a recognized church or religious denomination of which the child or parent is an adherent or member.

714. Sanitation

§2300 Staff Qualifications.
Smoking shall not be permitted where children are present.

§4200 Sanitation.

The school's building, grounds, and equipment shall be cleaned, repaired, and maintained to protect the health of the children.

The school shall have an adequate supply of water that meets the requirements for drinking water of the Texas Department of Health. Whenever possible, the water supply shall be from an existing public drinking water system.

Drinking water shall always be available to the children. It shall be supplied in a safe and sanitary manner.

The temperature of any hot water available to the children shall be controlled by a thermostat so that it can not scald. Maximum temperature shall be 120 degrees Fahrenheit.

Garbage shall be kept in containers with tight lids outside areas used by children and removed from the school at least twice a week.

Schools shall take measures to keep the facility free of insects and rodents.

Staff and children shall wash their hands after using the toilet and before eating.

§5500 Animals.

Animals on the premises shall be vaccinated according to the recommendations of a licensed veterinarian. Documentation of vaccination shall be filed at the school.

The school and the outdoor area shall be free of stray animals.

715. Daily Illness Screening

§5200 Illness and Injury.

The child who is apparently ill shall not be admitted to the school unless approved by health personnel.

716. Care of Sick Children

5200 Illness and Injury.

The handling of illness in the school shall protect the health of all children.

> When ill, the child shall be given a bed or cot away from the other children, and the child's parents shall be called immediately. The child shall be supervised until leaving the school.
>
> The child shall be given first aid, if needed. In the case of a critical illness or injury, the physician named by the parents shall be called. If necessary, the child shall be taken to the nearest emergency room.

Admission or readmission to the school after a communicable disease shall be allowed if the recommendations of the Texas Department of Health are followed.

717. Medication and Special Diet Provisions

§5200 Medication.

Medication and special medical procedures shall be administered to a child as follows:

> Prescription medication shall be in the original container labeled with the child's name, a date, directions, and the physician's name. Medication shall not be administered after any stated expiration date.
>
> All nonprescription medication (except aspirin or aspirin substitute) shall be labeled with the child's name and dates. All nonprescription medication (including aspirin or aspirin substitute) shall be administered to the child only when approved in writing by health personnel or the child's parents and in accord with label instructions.

Medication shall be kept out of reach of children or in locked storage.

Medication requiring refrigeration shall be kept separated from food.

Medication shall be returned to the parents when no longer needed. Medication shall be disposed of properly when a child withdraws from the school or when the medication is out of date.

718. Waiver of Health Requirements

See 711. Health Assessments and 712. Immunizations

720. SAFETY

721. General Safety Requirements

§4300 Safety.

The building, grounds, and equipment shall be repaired and maintained to protect the safety of the children.

> Electric fans and heaters shall be mounted out of children's reach or have safeguards that keep children from being injured.
>
> Window air-conditioning units shall be installed so children cannot reach working parts. Where 220 volt window unit connections are within children's reach, a secured screen or guard shall protect the connections.
>
> Stairs and porches more than two feet above the ground shall have railings the children can reach.
>
> The outside area shall be dry and free from sharp objects. Tanks, ponds, open wells, drainage ditches, sewerage pipe, and dangerous machinery shall be fenced to keep the children out. Garbage cans or highly flammable material shall not be in the outside area. Trash cans are permitted.

Indoor and outdoor equipment and supplies shall be safe for the children.

Outdoor equipment shall be away from busy areas in the yard and securely anchored, unless portable by design.

Equipment, materials, and toys that use anything that explodes (such as caps) or that shoot things (such as darts and BB's) shall not be allowed.

Furnishings, equipment, and toys shall have no lead painted surfaces or contain toxic materials.

Toxic substances, both indoors and out, shall not be accessible to children.

Chlorine products and ammonium compounds shall not be combined since they produce a poisonous gas.

722. Fire Safety Requirements

§4100 Fire.
In case of danger from fire, the first responsibility for staff shall be the evacuation of the children.

The school shall have at least one fire extinguisher approved by the fire marshall. Fire extinguishers shall be checked annually and serviced if required. These shall be located where readily available.

An evacuation plan shall be posted in each room used by children and all staff members shall be instructed as to what to do in an emergency. Fire drills shall be held at least quarterly at different times of the school's operating day.

Heating devices and their nearby areas shall not be a fire hazard.

Gas appliances shall have metal tubing and connections unless otherwise approved by the fire marshal.

Open flame space heaters are probibited. All space heaters shall be enclosed and have the seal of approval of a test laboratory approved by the fire marshal. Floor furnaces shall be enclosed to keep children off them.

Space heaters designed to be vented shall be vented to the outside as approved by the fire marshal.

Combustible materials shall be kept away from light bulbs and other heat sources.

Gas pipes shall be tested annually for leaks. A copy of the test report shall be available at the facility.

723. Transportation

§7500 Transportation.
When a school provides transportation, children shall be safely seated when the vehicle is in motion.

Children shall be loaded and unloaded at the curb side of the vehicle or in a protected parking area or driveway.

A first aid kit shall be in all vehicles regularly transporting children.

Children shall not be transported in the open back of a truck.

The staff-child ratio for the transportation of children shall be met. For children five through 14 years old, the staff-child ratio shall be as shown in Subsection 2400, Standard 1 (411. Staff/Child Ratio as of March, 1981). The driver may be counted in the staff-child ratio.

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

§7400 Water Activities.

When a splashing pool or a wading pool (less than two feet of water) is used, the following shall apply:

> The pool shall be drained and cleaned after each use and maintained as required by local regulations and the standards of the Texas Department of Health for such pools.
>
> When such pools are not in use, they shall be out of the children's reach.
>
> One staff member with knowledge of water safety shall supervise at all times.

When a swimming pool (more than two feet of water) is used, the following shall apply:

> At the school, a pool shall be enclosed by a fence at least six feet high and built so children cannot easily climb over it. The gate shall be locked when the pool is not in use. Machinery rooms near all pools shall be locked.
>
> All pools shall be maintained as stated in the standards of the Texas Department of Health and local regulations.
>
> One lifesaving device shall be provided for each 2,000 square feet of water surface (or a portion thereof) with a minimum of two for each pool.
>
> A certified lifeguard shall be on duty at all times and shall not be counted in the staff-child ratio.

Staff-child when a body of water is used by the school is as follows:

AGE OF CHILDREN	SWIMMING		WADING & SPLASHING	
	Number of Staff	Number of Children	Number of Staff	Number of Children
5+	1	15	1	22
6+	1	25	1	26

726. Emergency Procedures

§5400 Emergency Phone Numbers.

The following emergency telephone numbers shall be posted by a telephone which is accessible to all staff members:

Ambulance service or emergency medical service (EMS).

Police or sheriff's department.

Fire department.

The following numbers shall be in a place accessible to the telephone and to all staff:

Numbers where parents may be reached and the number of the physician designated by the parents.

Numbers where families and physicians of staff members may be reached.

727. First Aid Supplies

§4300 Safety.

First aid supplies shall be kept in a designated location, out of children's reach, and a guide to first aid and emergency care shall be posted.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§6200 Nutrition.

Children shall be encouraged but not forced to eat.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§6100 Food Service.

All food and drink served by the school shall be of safe quality and shall be stored, prepared, distributed, and served under sanitary and safe conditons. Food service equipment shall be washed and sanitized.

Cleaning supplies shall be clearly marked and kept separate from food.

Food service personnel shall practice good hygiene when handling food. Personnel with open or infected wounds shall not work in the food preparation area. Smoking in any of the food areas shall be prohibited.

Single service napkins, dishes, and utensils shall be discarded after use. Washable napkins and tablecloths shall be cleaned after each use.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

§7400 Children with Special Needs.

Children enrolled in the school who need special care due to disabling or limiting conditions shall be given care recommended by qualified psychologists, physicians, or other experts. Care recommendations and documentation that they have been carried out shall be in the child's record.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1330. SCHOOL AGE CHILDREN

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

§3100 Space.

There shall be at least 20 square feet of indoor activity space for each child present, measured wall-to-wall on the inside, not including single use areas.

The school shall have at least 80 square feet of outdoor activity area for each child using the area at one time, accessible by a safe route.

§3200 Furnishings.

Each child shall have storage available for personal belongings.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§4200 Sanitation.

There shall be adequate light, ventilation, and heating in the school.

1430. EXITS

§4100 Fire.
The building shall permit children fast and safe exit within three minutes in case of an emergency.

> A school more than one story high shall have one inside and one outside staircase leading to all floors. Exceptions shall be made only if approved by a fire marshal. If there are no outside staircases and the fire marshal's approval connot be obtained, the children shall be kept on the first floor.
>
> The building shall have at least two exits to the outside, located on different sides of the school.
>
> Doors opening into a fenced yard shall be easily opened from the inside by the children. Doors between rooms shall not be locked while children are at school.
>
> Doors and pathways shall not be blocked.

1440. TOILETS AND LAVATORIES

§3400 Toilet Facilities
Children shall have inside toilet facilities that are quickly available, convenient, and safe. Children shall have privacy in the use of bathroom facilities.

There shall be one toilet for every 20 children in the school. Urinals may be counted in the ratio of children to toilets, but may not exceed 50 percent of the total number of toilets. Bathrooms which contain urinals shall also have flush toilets.

There shall be one lavatory for every 20 children in the facility.

§4200 Sanitation.

Adequate and safe flush toilets and sewerage systems shall be provided. Wherever possible, schools shall be connected to a public sewerage system. Where public sewers are not available, treatment facilities meeting the standards of the Texas Department of Health and approved by the local health authority shall be installed to dispose of sewage.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

§4100 Fire.

The school shall have an annual fire inspection with a written report. Any corrections called for in the report shall be made. Fire inspections shall be requested from local authorities, where available, and from State fire authorities if not available locally.

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

§4200 Sanitation.

The school shall have an annual sanitation inspection with a written report. Any corrections called for in the report shall be made.

Sanitation inspections shall be requested from local authorities where available and from State health authorities when not available locally.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Utah Department of Social Services, Licensing Standards for Child Care Centers, June, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Glossary

Child Care Center: A child care center is a facility in which children are being cared for out of their own homes by persons other than their own parents. It is maintained for at least four and less than twenty-four hours daily for the care of seven or more children less than 14 years of age and unrelated to the caregiver. This care may be given with or without charge and with or without stated educational or developmental purposes.

Drop-In: A child who is not in regular attendance at least one day per week who does not have a current medical and day care register on file. Each "drop-in" child shall count in the total number the facility is licensed to serve.

New Child Care Center: A new center shall be defined as one of the following: (1) a building that was not licensed as part of a child care program prior to the effective date of these standards; (2) a previously licensed center that is being relicensed under new ownership; (3) a previously licensed center reopening at the same location which had discontinued operating for more than 120 days; and (4) any center which is requesting a new license in order to care for more children.

112. Exclusions and Exemptions

Utah Code Ann. §55-91 Day nurseries-License-Exceptions.

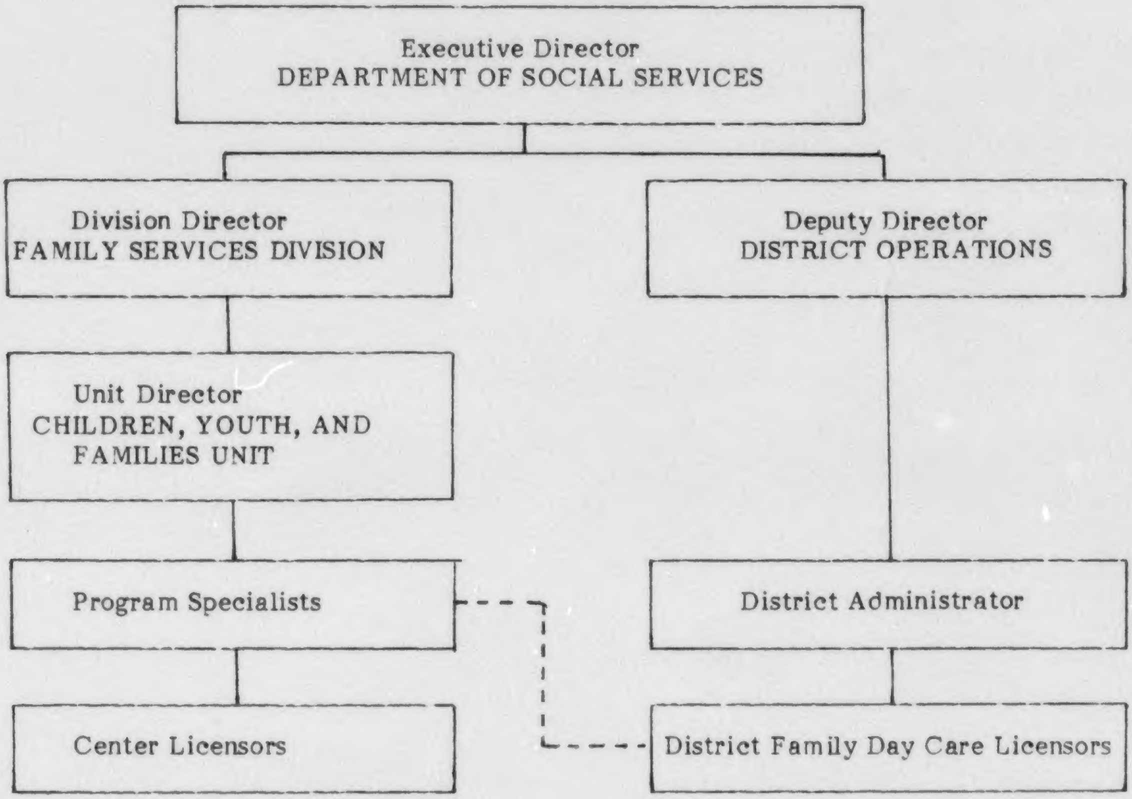
Except as provided herein, no day nursery, person, association, corporation, institution, or agency shall provide care and supervision for three or more children under fourteen years of age in lieu of care and supervision ordinarily provided by parents in their own homes, for periods of more than four but less than 24 hours in any one day, with or without charge, without having in full force a license issued by or under the authroity of the dividison of family services, in accordance with rules and regulations prescribed by such board of family services. Nothing in this act shall apply to care given to children by or in the homes of parents, legal guardians, grandparents, brothers, sisters, uncles or aunts, or as part of the program of an educational institution of a parochial educational institution.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Executive Director
DEPARTMENT OF SOCIAL SERVICES
Division Director
FAMILY SERVICES DIVISION
Deputy Director
DISTRICT OPERATIONS
Unit Director
CHILDREN, YOUTH, AND FAMILIES UNIT
Program Specialists
District Administrator
Center Licensors
District Family Day Care Licensors

Day care center licenses are issued and revoked at the state central office level by state based staff under the direct supervision of state central office. Family day care and group day care home licensors are outposted in 14 district offices under the supervision of district administrators. Family day care and group day care home licenses are issued from the district offices under the signature of the Director of the Family Services Division. Program specialists monitor and provide consultation to the district licensing staff.

122. Responsible Official

All inquiries should be addressed to:

Program Specialist - Day Care
Children, Youth, and Families Unit
Family Services Division
150 West North Temple
Salt Lake City, Utah 84103
(801) 533-5031

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Utah Code Ann. §55-9-3 Application for and contents of license.
The application for a license shall be in a form prescribed by the division of family services. The license shall state to whom it is issued, the particular premises where the children are to be cared for, the number of children that may be cared for at any one time, and the period during which the license will be in force and effect.

IIR1410 Application for Licensure.
DFS Licensing Personnel shall conduct a DFS office based screening interview with the applicant to clarify questions the applicant may have after having reviewed the standards.

Each applicant for a license hereunder shall submit a formal application in writing on DFS Form 91R.

Prior to the on-site investigation, the applicant shall provide the following:

Identifying information, references and qualifications as required on Form 466.

Blue print of schematic drawing of the physical facility and a plot plan.

Inventory of all supplies, toys and equipment as required herein.

Written outline of operational plans including proposed schedule of activities, staff assignments, sample menu, rest period, etc.

DFS Forms 466 and 654.

IIR1411 Licensure.

If the result of the investigation satisfies the Division that standards have been met and all clearances have been obtained from collaborative agencies, a regular license shall be issued. The term of a regular license shall be for one year.

If the results of the investigation by the Division, together with clearances from all collaborative agencies, indicate that all of the standards cannot be complied with immediately but can and will be met within six months or less, and if the deviations do not threaten the health or safety of the children, then a one time provisional license shall be issued. The provisional license shall be for a term of not more than six months and shall contain a statement of deficiencies which must be corrected.

The burden of proof of compliance with standards shall at all times remain with the applicant. This applies to providing all information required for licensure.

222. Fee Charged

Not specified

223. Areas of Investigation

IIR1411 Licensure.
Before issuing a license, the Division shall conduct an investigation of the applicant, staff, facility, and services to determine whether the applicant has complied with the requirements as set forth in the standards of the Division relating to the licensing of center based child care. This investigation shall be completed and the applicant notified in writing within sixty (60) days of receipt of application as to the Division's approval or disapproval. If denied, the reasons for denial shall be stated in the notice of denial and applicant shall be advised of his/her rights to further hearing as set out in Division policy.

224. License Renewal

IIR1412 Application for Renewal of License.
Maintaining a valid license is the sole responsibility of the licensee.

If an application for renewal of a license and supportive clearances are not filed at least thirty (30) days in advance of the expiration date, the license may expire before Division staff determine whether the application currently meets all standards. In such a case, the license shall automatically be cancelled as of the expiration date. The Division will accept applications for relicensure filed not more than sixty (60) days before expiration date.

If the Division is satisfied that the applicant has met the standards, a regular license shall be issued. The term of a regular license shall be one year.

225. Conditional/Provisional Licenses

IIR1411 Licensure.
If the results of the investigation by the Division, together with clearances from all collaborative agencies, indicate that all of the standards cannot be complied with immediately but can and will be met within six months or less, and if the deviations do not threaten the health or safety of the children, then a one time provisional license shall be issued. The provisional license shall be for a term of not more than six months and shall contain a statement of deficiencies which must be corrected.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Utah Code Ann. §55-9-2 Visitation and inspection.
The rules and regulations prescribed by the board of family services shall incorporate or provide for standards, developed by the division of family services in co-operation with the division of health and the department of education, assuring the health, safety, welfare and education of the children, and shall provide for such visits or inspections by appropriate authorities as may be necessary to obtain compliance with the standards prescribed. Failure to comply with such standards shall be cause for revocation of the license.

232. Denial, Suspension, Revocation of a License

Utah Code Ann. §55-9-4 Revocation.
Licenses may be revoked for cause by or under the authority of the division of family services, in accordance with rules and regulations prescribed by the board of family services.

IIR1411 Licensure.
If the results of the investigation by the Division, including reports from collaborative agencies, indicate that applicant does not meet the standards of the Division, and/or does not have requisite clearance from the collaborative agencies, and if it cannot be reasonably anticipated that applicant can comply with said standards and/or secure collaborative approvals within a six month period, then the Division shall deny the application.

IIR1413 Suspension or Revocation of License.
Prospective Suspension or Revocation. A licensee whose license is about to be suspended or revoked shall be given written notice at least thirty (30) days before the effective date of such suspension or revocation. Notice shall be by certified or registered mail addressed to the location shown on the license and to the last known mailing address of the licensee. The notice of suspension or revocation shall contain a statement of the reasons for such action, and afford licensee an opportunity to satisfy said reasons within said thirty (30) day period. At the conclusion of the thirty (30) day period, the suspension or revocation will automatically become final and effective unless licensee has satisfied the reasons and obtained a written certification of compliance from the Division within the interim. The notice of suspension or revocation will advise licensee of his/her rights to further hearing and appeal as set out in Division Policy.

Immediate Suspension or Revocation. If the Director finds that the immediate health, safety, or security of the children so requires, he/she shall order the immediate suspension or revocation of a license. The licensee shall be given written notice of the order by personal service if locatable within the State of Utah and by certified or registered mail addressed to the location shown on the license. The notice shall contain a statement of the reasons for the order and shall inform the licensee of his/her rights to further hearing and appeal as set out in Division Policy.

233. Remedies and Sanctions

233.1 Hearings

IIR1414 Administrative Hearing and Right of Appeal.
Denial of Application for License or for Renewal of License. Upon receipt of notice of denial, the applicant may petition the Director in writing for reconsideration for the denial, and may request a hearing before the Director or his/her designee for that purpose. The petition and request shall be in writing and must be filed within thirty (30) days of receipt of the notice of denial. If a hearing is requested, notice of the hearing date must be mailed to the applicant by the Division within fifteen (15) days of receipt of the request. The hearing must be held within thirty (30) days of receipt of the request. If no hearing is requested, the Division's decision shall be mailed in writing to the applicant within fifteen (15) days of the date of the hearing. In either circumstance, the decision of the Division shall be final for purposes of appeal. The applicant may appeal therefrom to a court of competent jurisdiction as may otherwise be provided by law. The timely filing of a petition for reconsideration shall delay the effective date of denial in regard to a renewal application until the final decision of the Division, unless the Director shall, subsequent to such filing, order an immediate suspension or revocation as provided in Division Policy.

Prospective or Immediate Suspension or Revocation. License or for Renewal of License. At the time a prospective suspension or revocation becomes final, or at the time notice is received of an immediate supsension or revocation, the licensee may petition the Director in writing for reconsideration of said actions and may request a hearing before the Director or his/her designee for that purpose. The petition and request shall be in writing and must be filed with the Director at his/her office address within thirty (30) days of the finality of a prospective suspension or revocation, or within thirty (30) days of the receipt of notice concerning an immediate suspension or revocation. If a hearing is requested, notice of the hearing date must be mailed to the licensee by the Division within fifteen (15) days of request and the hearing must be held within thirty (30) days of receipt of the request. If no hearing is requested, the decision of the Division shall be mailed to the licensee in writing within fifteen (15) days of the date of the hearing. With or without hearing, the decision of the Division shall be final for purposes of appeal and the licensee may appeal therefrom to a court of competent jurisdiction as may otherwise be provided by law. The timely filing of a petition for reconsideration shall delay the effective date of the prospective suspension or revocation until the final decision by the Division, unless the Director shall, subsequent to such filing, order an immediate suspension or revocation of the license.

IIR1416 Representation by Counsel.

At any hearing provided for herein, the applicant or licensee may be represented by counsel.

The Division may be represented by the State Attorney General or the County Attorney as provided by law.

233.2 Decisions

IIR1415 Decisions of Division.

The decision of the Division with respect to any petition for reconsideration or hearing shall be in writing and shall contain findings of fact. The decision shall be mailed to the parties to the proceedings at their last known address as may be shown on the application, on the license, or otherwise.

233.3 Judicial Review

Utah Code Ann. §55-9-5 Crimes and penalties.

Any day nursery, person, association, corporation, institution, or agency violating the provisions of this act, shall by guilty of a misdemeanor.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

IIR105 Statement of Policy for Child Care Services.

A written statement of policy and child care service information shall be available to staff and to parent(s) including the following:

Philosophy and objectives of the center.

Name, address, and telephone numbers of both the owners and the director of the center.

Ages of the children accepted, inclusion or exclusion of handicapped children and special services offered if handicapped children are accepted for care.

Vacations, holidays, hours of operations, and specific hours during which special programs are offered.

Procedure for admission and registration of children.

Procedures for the handling of illnesses and emergencies of children.

Procedure for transportation of children, if provided.

Procedure concerning children's personal belongings.

Procedures for release of children from the center.

Information concerning program, meals and snacks, resting arrangements, appropriate dress and additional clothing requirements and insurance coverage.

IIR110 Administrative Records.
The following records shall be available at each child care center.

Records of enrollment and daily attendance for each child.

Current Division of Health inspection reports including sanitation, public health nurse, and nutrition. Form 50, Form 56 and Form 678.

Current Fire Department inspection report. Form 48

A list of current staff, substitutes, and staff assignments within the center.

IIR113 Report of Legal Action.
Legal action against a child care center which affects any child(ren), personnel, or operation of the facility, shall be reported to the licensing unit of the Division of Family Services at the time of initiation of such legal action.

IIR205 Staff Coverage and Group Size and Age.

Director: The director of a center or a person authorized to act in behalf of a director shall be present at the center at all times that the center is open.

IIR206 Use of Substitute Caregivers.

Substitute caregivers shall be solicited in advance for regularly assigned staff who are unable to be on duty and shall meet requirements similar to the staff members they are replacing.

312. Telephone

IIR108 Communication.

Each child care facility shall have a telephone with the number listed in the public telephone directory. Emergency telephone numbers (fire, police, rescue unit, parent(s) shall be readily available at the facility.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

IIR305General Requirements.

No caregiver or center staff member shall have been convicted of child abuse, neglect, or sexual abuse or any offense against children.

Staff members, volunteers, or visitors under the influence of alcohol or whose behavior indicates possible abuse of drugs shall not be allowed to remain on the premises of the center.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

IIR107 Security.

Only parent(s) or person(s) authorized by parent(s) who have legal custody shall be allowed to take any child from the center. The authorization shall be written and filed in the child's record.

IIR114 Children's Records.

Each child care center shall maintain records for each child which shall include the following:

The child's full name, birth date, current address and date of enrollment.

Current name, home and employment address and telephone numbers of parent(s).

Current telephone numbers or instructions as to how the parent(s) may be reached during the hours the child is at the center.

Current name, address and telephone numbers of parent(s) authorized to take the child from the center.

Current name, address and telephone numbers of parent(s) who can assume responsibility for the child in the event of an emergency if parent(s) cannot be reached immediately.

Name, address and phone number of child's physician and dentist.

Health information including medical report, chronic physical problems, vaccination and immunization history and pertinent social information on the child and his/her family.

Written authorization from parent(s) for emergency medical care.

Injury or illness record.

Written reports of accidents requiring hospitalization, or the occurrence of death of a child. Form 679.

Significant observations of the child's progress and special developmental needs.

IIR1300 Drop-In Care.
Records required for "drop-in" children shall be limited to:

The child's full name, birthdate, current address, name of parent(s), phone number where parent(s) can be reached in an emergency.

Name(s) and phone number of other person(s) who can assume responsibility for the child in the event of an emergency.

Name, address and phone number of child's physician and dentist.

Written authorization from parent(s) for emergency medical care.

Name(s) of any other person(s) authorized to take the child from the child care facility.

Health examinations or immunization statements shall be recommended but not required for "drop-in" children. Children with symptoms of any communicable disease shall not be accepted for care.

342. Staff

IIR109 Records Maintenance.

Personnel Records. The following records shall be maintained at the center for as long as the individual is a member of the staff: Name, address, telephone number, date of birth, food handler's permit, health examination records, and names, addresses and telephone numbers of persons to be notified in the event of an emergency.

343. Child Eligibility and Enrollment Requirements

IIR116 Enrollment.

Children shall only be accepted for enrollment if they are of the age for which the center is licensed. At no time shall the number of children in attendance exceed the number for which the service has been licensed.

A pre-enrollment interview shall be conducted with the child's parent(s) to secure information about the child's individual needs.

344. Child Abuse Reporting

IIR111 Reporting of Child Abuse.

Any person or persons who have reason to suspect child abuse or neglect is required tc report such to the Division of Family Services, local city police or county sheriff. Failure to do so is a misdemeaner.

345. Confidentiality of Records Requirements

IIR109 Records Maintenance.

Confidentiality. Confidentiality of all personnel and children's records shall be maintained. Children and personnel records related to licensure requirements shall be available on request to licensing personnel of the State Division of Family Services and the Division of Health. Parent(s) shall have access to their individual child's records and information about children shall be released to person(s) outside the center only with parental consent, unless otherwise provided by law.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

IIR205 Staff Coverage and Group Size and Age.

All child care centers shall meet the following child staff ratios.

Minimum Staffing Level	No. of Children	No. of Staff
Age of Children		
No child under age two shall be cared for in a center		
At least 2 yrs old but less than 3 yrs old	7	1
At least 3 yrs old but less than 4 yrs old	15	1
At least 4 yrs old but less than 5 yrs old	15	1
At least 5 yrs old but less than 6 yrs old	20	1
At least 6 yrs old but less than 14 yrs old	25	1

IIR1205 Nightime care of children.

All staff members on night duty shall be awake and in the immediate vicinity of sleeping children. The child staff ratio for sleeping children shall be in accordance with standards.

412. Methods of Computing Staff/Child Ratios

IIR205 Staff Coverage and Group Size and Age.

Children of the director or staff members who attended the center or who are on the premises for supervision and care, shall be counted in the number of children specified in the license and shall meet all standards required for other children, including health examinations, staff-child ratio, etc.

420. GROUP SIZE

421. Group Size as of March, 1981

IIR205 Staff Coverage and Group Size and Age.

When six (6) or fewer children are present, there shall be at least one staff member 18 years of age or older on duty and a second staff member 18 years of age or older immediately available to come to the center as required by emergencies.

At any time when seven (7) or more children are present at the center, there shall be at least two staff members on duty at the center, one of whom shall be a person 18 years of age or older.

If a staff member works alone with a group of children, the staff person must be able to summon another person 18 years of age or older without having to leave the group unsupervised.

At no time shall the number of children who cannot walk independently and follow simple verbal instructions be greater than two for each staff person 18 years of age or older present in the center, including cooks, administration and maintenance people.

No group of children six years of age or less shall be larger than 25 children.

Only persons actually with the children shall be counted in assessing the child staff ratio.

422. Methods of Computing Group Size

See 411. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

IIR305 General Requirements.
Age: Each director and each group leader shall be at least 18 years of age. Each staff aide shall be at least 16 years of age.

512. Health

IIR306 Health Requirements for all Child Care Personnel.
Prior to employment, each member of the child care center staff, including substitute or volunteer staff, shall submit a dated report of a satisfactory tuberculosis test or chest X-ray taken within six months of beginning employment or service and annually thereafter.

All regular staff shall have a food handler's permit.

Each caregiver shall be free from mental or physical illness which may affect his/her ability to care for children. This shall be verified by a physical examination dated and signed by a licensed physician, shall be repeated annually, and shall be reported on Form 89.

If a staff member develops indications of a physical, emotional or mental condition which could jeopardize the well-being of any child or which could prevent satisfactory performance of duties, that staff member shall not continue to provide care until the condition is resolved to the satisfaction of a licensed physician or other professional, and until evidence of such is presented to the center director and the licensing counselor.

Any person with symptoms of an infectious disease or illness shall be excluded from the child care center.

513. Education

IIR305 General Requirements.
All center directors and group leaders shall be high school graduates.

IIR307 Professional Requirements.
By January 1, 1979 each center director and grup leader shall demonstrate the following minimum professional skills:

The use of positive guidance techniques with children.

The implementation of a well-balanced developmental program for preschool children.

The coordination of home and center child rearing proactices.

Provision of a safe and healthy learning environment.

One of the following will be recognized as fulfillment of the above requirement:

A four year or graduate degree in child development, early childhood education, or special education.

A Child Development Associate credential.

A minimum of 12 semester or 20 quarter college credits in child development, early childhoood education or special education and one year of experience working under the supervision of a person meeting (1) or (2) above.

Certificate of approved performance in a High School Child Care Service program plus at least one year satisfactory experience in day care, early childhood, or Head Start Programs.

Three years of experience in day care, early childhood or Head Start programs plus a minimum of nine semesters or 15 quarter hours of college credits in early childhood or related courses or a series of approved workshops as determined by the Division and the Utah Day Care Association.

IIR308 Staff Aide Requirements.

A staff aide may assist the group leader with a group of children. When the responsibilities and program activities are planned and defined by a group leader or the director, a staff aide may be in charge of a group of children for periods not exceeding four hours in any one day.

514. Experience

IIR305 General Requirements.

Each caregiver shall be able to communicate clearly with other staff members and with children.

A caregiver may have a handicapping or debilitating condition unless it restricts his/her ability to safeguard the children or provide appropriate activities for them. Persons, who may be under 16 years of age unless otherwise precluded by law, may assist in the center as supplemental help, but shall not be counted in relation to the minimum staff ratios as provided in these standards.

See also 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Education

523. Education

See 513. Education

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

IIR307 Professional Requirements.

Group leaders who have not completed any of the above requirements shall be enrolled in and attending a training program. This training may include an in-service training. There shall be a inimum number of hours of training per month.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

IIR805 Individual Needs.

Program activities shall be developed in response to observation of each child's development and special developmental needs.

IIR806 Interest Span.

Controlled group activities shall not extend beyond the normal interest span of the children, i.e., 15 to 20 minutes for preschool children, 30 minutes for school age children.

IIR807 Activity Plans.

The director shall outline the center's goals and schedule and shall provide daily activities which plan for and allow sufficient flexibility to respond to individual differences in children's developmental needs and interests.

Daily or weekly plans shall be prepared in advance in writing and shall provide for at least the following on a daily basis.

> Opportunities for large and small muscle activities, which promote coordination and perception, including adult guidance of these opportunities.
>
> A variety of games, toys, books, crafts, and other activities and materials to enhance the child's development, broaden life experiences, and increase exposure to the community and natural world.
>
> Opportunities for development of language skills and self-expression in conversation, art, and play.

Opportunities for children to work individually at activities which enhance their independence, self-reliance, and curiosity, and which provide opportunities to investigate, compare, organize, solve problems, adapt, and create.

Opportunities for children to play freely in groups to increase their social skills.

Opportunity for outdoor play each day for children of all ages, unless the severity of the weather makes it a health hazard, or if there is an individual reason for a child to remain indoors.

An active rather than a passive learning situation which assists the child in the development of skills and social competence based on enhanced self-esteem and positive self-identify.

A balance between periods of active and quiet play.

Opportunities whenever possible for children to participate in supervised visits and activities in the community.

IIR808 Program Plans.
Program plans shall be posted daily or weekly and implemented as posted, except for the modifications which may result from adjusting the activities to meet the needs of individual children or the group base.

IIR1205 Nightime care of children.
Program: Program activities available to children during early waking hours shall conform to daytime activities identified in the standards. Quiet activities shall be planned immediately preceding the children's bedtime.

IIR1300 Drop-In Care.

Program activities requiring excessive physical exertions shall not be permitted for any child who does not have a current health report form at the center.

612. Program Equipment and Materials

IIR906 Quantity.

The children shall be provided with a variety of materials and equipment which are appropriate to their developmental level and will allow each child to be individually involved.

IIR907 Required Toys and Equipment.

The following toys and equipment are required. One toy which provides group play for two or more children would meet the quantity requirement for the number of children naturally served by that item. Toys must be in good repair at all times and available for use on a regular basis to count toward meeting these requirements.

Indoor Play Equipment For Each Group
- Room Furniture
  - Bulletin Board
  - Chairs, enough to seat all children simultaneously
  - Clothing storage facilities (standard preschool lockers recommended)
  - Cots or mats to sleep all children simultaneously
  - Tables, enough to accommodate all children simultaneously
  - Adequate storage for toys and equipment
  - Block cabinets
  - Rocking chair(s)
  - Screens and/or open shelves (for storage and separating play areas)
  - Rack for drying paintings

Homemaking and Doll Play (enough of the following equipment to allow at least three children to use the same type of toy at the same time)

Animals (cuddly)
Dolls (recommended different ethnic group dolls, at least 2 dolls per group)
Doll clothes
Mattresses, pillows, blankets for doll bed
Tea set or dishes
Telephones

Homemaking and Doll Play Equipment For Each Group

Chest of drawers, costumes, clothes rack or other container for dress up clothes.
Dish cupboard
Mirror (full-length)
Sink or dishpan
Stove
Refrigerator
Doll bed, cribs, and/or carriages
Mop, broom, dustpan and brush

Dramatic Play (enough of the following materials for 4 children to participate in the same type of activity at the same time)

Dress-up clothes for both sexes (aprons, hats, veils, pocketbooks, suitcases)
Puppets
Tents and other community props
Cash register, cash box or change maker
Clock, large (with movable hands)
Hats of various professions
Doctor's bags and white coats (or dress-up clothes for other professions)
Set of handpuppets

Blocks and Block-Play Accessories (not required for two-year-old groups)

Unit blocks, hardwood, variety or different shapes and of sufficient quantity to allow a ratio of 20 blocks per child.

A set of 400 unit blocks is recommended per group. They must be a standard sized unit block size.

Assortment of figures, to represent members of the family, community workers, farm and zoo animals.

Set table top building blocks.

Transportation toys such as boats, trucks, planes, trains. (A ratio of one toy per 3 children age three and one toy per 5 children ages four through six shall be maintained.)

Arts and Crafts (enough to allow 1/3 of the group to participate at one time)

Brushes, paint, assorted size
Cabinet or other suitable storage unit for art materials
Clay (dry or moist, by the pound or in tubes)
Fingerpaints and paper
Flour and salt for play dough
Tempera paints of various colors
Food coloring for dyeing materials

Miscellaneous

Aprons, old shirts, or smocks
Chalk
Construction paper
Butcher paper
Crayons
Hole puncher
Paste or glue
Colored yarn (heavy and medium)
Fabrics (various, for sewing)
Felt tip markers

Potatoes or carrots for block printing

Puppet materials

Rubber cement

Scraps of leather, cloth, felt, ribbons, paper doilies, wrapping paper, etc.

Sponges

Toys and Equipment for Language Development (for each group)

25 books per group or 1 per child enrolled (picture and story books for various age-levels)

Centers may use community libraries to supplement and provide variety to their books or as sources for recommended books

Bookcase or rack (display or storage)

Play telephones

Story telling equipment such as flannel boards, hand puppets, magnetic boards, etc.

Record player and/or tape recorder.

Music

Assorted song, literary, nursery rhyme, and instrumental recordings

One album per 3 children enrolled

Ball, hoops, dancing scarves

Drums

Manipulative Toys & Quiet Games

Interlocking blocks, construction sets, and table blocks

Matching games including several kinds of lotto (one game for every two children in the group)

Play people: rubber or wood

Wooden puzzles (easy to difficult) minimum of one dozen for each group of 20, 10 per group of 15

Scissors (blunt) to accommodate each child in the group simultaneously

Scissors (left-handed, blunt)

Scissors storage rack
Wooden beads (for stringing) box of 100 large beads per group
Snap blocks (3 sets per group of 20 children)
Color cones
Hand puppets (animals and people)
Nesting toys and stacking toys in each group
Nuts and bolts (various sizes
Pipe 1/2" and pipefittings: unions, tees, elbows and 6" nipples
Pounding toys
Wooden pegs and pegboards

Toys with rocking or bouncing motion (rocking horse, rocking boat, toys on springs, enough to allow 3 children to participate in this type of play simultaneously, chosen from among the following:)

Jungle gym (required either indoor or outdoor)
Punching bag (floor model, if possible)
Truck tire tubes (large, inflated for jumping on)
Tumbling mat or mattress

Science (for recommended equipment see Utah Child Care Operators Supplement

Electrical switches (assorted disconnected)
Magnets (horseshoe and bar)
Measuring cups and spoons

Visual Aids and Equipment

A variety of pictures or picture sets representing: Farm animals, zoo animals, pets, community helpers, nursery rhymes, transportation, holidays, health practices, foods, seasons, science themes, children from around the world, social skills, etc.

Illustrated stories (flannel board figures, flip card stories, puppet stories, etc.)

Flannelboard
Camera

IIR908 Outdoor Play Equipment.

Large Muscle Development (enough equipment chosen in the following categories for all children in the group to be involved simultaneously in large muscle activity)

Climbing Apparatus (chosen from among the following:)

- Jungle gym
- Monkey bars
- Hardwood tree lying on its side
- Tree house (with steps, slides, rope ladders, rope with knots, a sliding pole to climb up and down, etc.)
- Truck or tractor tires (inserted halfway vertically in the ground, spaced 18 inches apart)
- Aircraft ramp
- Cargo net
- Slices of tree trunks or poles (set wide strides apart, different heights)
- Lengths of railroad ties (cemented vertically in ground or stacked)
- Mounds of earth (furnished with footholds and surfaced with either lawn or astroturf)
- Large wooden boxes, ladders, planks
- Frame (4 to 5 feet tall with maze or nylon rope stretched over the top)
- Climbing lattices
- Rope ladders

Swinging Apparatus (chosen from among the following, enough for all children in a group to be involved simultaneously in a variety of play activities)

Tire swings (hung with one rope fastened to tire with an eye bolt)
Tire swings (with tire hung horizontally, suspended at three points on its circumference with eye-bolts)
Rope swings (wide leather strap seats and back supports)
Metal swings (with seat made of rubber or soft but firm plastic)
Monkey vines
Knotted rope
Hammocks (hung at child height)
Free hanging rope ladders)
Swinging bridge (spanning a washout area)
Teeter totter

Wheeled Toy Facilities

In setting up wheeled toy areas, a flat, unobstructed area combined with inclines or ramps should be provided. Underpasses and overpasses are recommended whenever possible. Wheeled toy areas should circle the play area to avoid interruption of other play activities. Turn angles should allow use of tricycles pulling trailers. Different colors can be mixed with concrete at the time of pouring to provide a variety of experiences and differentiation of play areas.

Wheel Toys (chosen from among the following:)

Pedal toys including tricycles, scooters, pedal cars (1 for each 5 children using the outdoor area)
Trucks (one per each 5 children using outdoor area)
Wheelbarrows
Wagons

Crawling Apparatus (chosen from among the following in sufficient quantity to allow several children to be involved simultaneously in crawling activities)

Labyrinth or maze (constructed of wood or concrete blocks)
Metal tubes (like those used for drainage under roads)
Pipe tunnels
Barrels
Cable spools
Pine kegs
Large size packing boxes

Water Play (chosen from among the following in sufficient quantity to allow several children to be involved simultaneously in water play)

Shallow tray (for floating boats, etc. Should have a drain, an overflow pipe, and a water outlet)

Large tractor tire (slit in half lengthwise with holes bored for draining water—use corks or plugs in holes)

Portable trays or simple rectangular basins placed on low tables
Barrels, cans, buckets, spoons, small dishes, colander
Hose and sprinkler
Drinking fountain

Sand Play

Sand pit (large, well-drained, with ledges for children to sit on)
Wet and dry sand
Shovels, pans, buckets, etc.

Gardening Area (chosen from one of the following:)

Raised planter (which can be properly fertilized, drained, protected, and maintained and with maximum exposure to the sun)
Garden plot on the ground level in which children can dig, plant, weed and water garden

Creative and Dramatic Play (chosen from among the following in sufficient quantity to allow several children to play simultaneously)

- Packing boxes (large size for playing house, store, etc.)
- Old boat, airplane cockpit, automobile
- Tree house
- Tent or pieces of awning
- Hollow blocks
- Easels
- Play house with small furniture
- Occupational props

Miscellaneous

- Rubber balls (different sizes and colors)

IIR1205 Nightime care of children.

Soft cuddly toys and a selection of toys for quiet activities in a one-to-one ratio for each child enrolled shall be provided.

613. Nap Provision

IIR413 Sleeping Area and Equipment.

A firm sanitary cot or a two inch mat with an impermeable cover shall be provided for each child remaining in the center over four hours. Cots and mats shall be thoroughly cleaned before assignment to another child. A soft clean washable cover and a sheet shall be provided for each cot or mat.

Each child shall have a clean, washable blanket or other suitable covering for his/her use while sleeping. Covers shall be washed as needed, and before assignment to another child.

Cots or mats shall be spaced to allow for easy access to each child, adequate ventialtion, and easy exit.

Adjustable shades or curtains shall be provided as needed to promote an atmosphere conductive to sleep at rest time.

IIR609 Rest Time.

There shall be adequate rest periods during the program day. Individual needs for rest shall be the criteria for determining the length of rest time for each child. (Most rest times will average 1 1/2 to 2 hour.)

Rest time shall not be prolonged as a means of organizing or controlling children or as a substitute for program activities.

IIR1205 Nightime care of children.

Each child shall be provided with a separate crib, mat, or bed covering, or with a mat or mattress with a waterproof cover. All beds, cribs, mats, etc., shall be fitted with clean, washable and removable coverings. Room temperatures in sleeping areas shall be at least 65 degrees.

614. Discipline and Guidance

IIR610 Discipline.

The director shall not use nor permit any other adult or child in the center to use, physical punishment or any humiliating or frightening method of discipline to control the actions of any child or group of children. Discipline shall not be associated with food, rest, or toileting. Name-calling, shaming, embarrassing or threatening children is prohibited.

Highly structured means of controlling children such as standing in lines, folding arms and hands, putting heads down, etc. shall be discouraged and shall not be permitted as a regular practice.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

IIR605 Health Examination.

Each child admitted for care shall present a report of medical examination on a form approved by the Division within thirty (30) days of the date of admission.

Health examinations shall be repeated at least annually. If the director suspects that the child's general condition indicates the need for further examination, the parent(s) may be requested to have the child re-examined in order to continue to receive child care service. The date and results of such health examination shall be submitted to the director on Form 88 or EPS-1.

713. Immunizations

IIR606 Immunizations.

Current information regarding immunizations, vaccinations, or tuberculin testing the child has had, and the dates administered shall be in the child's file.

714. Sanitation

IIR406 Building Plans and Construction.

Walls: Walls and woodwork shall be constructed of smooth material and be in sound condition, free from holes or peeling paint.

All floors, walls and ceilings throughout the building shall be of such construction as to permit effective and easy cleaning.

All interior and exterior stairways, consisting of three steps or more, used by the children, shall be provided with handrails at children's height.

IIR409 Drinking Water.
Sanitary drinking water, both indoors and out, shall be available to the children either by use of single service cups or jet angle type drinking fountains.

IIR505 Maintenance of Sanitation and Safety.
Buildings, indoor and outdoor play areas shall be kept in good repair and maintained in a safe, clean and operable condition, and free from accumulation of extraneous materials, peeling paint, splintered wood, or other safety hazards. All necessary means shall be employed to eliminate and control infestations of insects and rodents on the premises. This shall include selfclosing doors, approved screening, or other effective controls of outside openings.

Good housekeeping shall be observed at all times in all area.

All kitchen and outdoor garbage and trash shall be kept in approved conveniently located, non-absorbent, water tight container provided with approved type lids, and shall be stored in areas inaccessible to children. Garbage and trash shall be removed from the premises as frequently as necessary to prevent nuisance conditions.

IIR607 Health Practices and the Well Being of the Child.
Items used by the ill child including cot or mat, bedding, utensils, toys, toilet and lavatory shall not be used by any other child until such item has been washed with soap and water.

IIR608 Personal Hygiene.
Individual disposable towels or clean individual towels shall be provided. Any other provisions for hand drying used shall be approved by the state or local health authority. Any toilet articles shall be individually identified and kept in sanitary condition.

Wet or soiled clothing shall be changed promptly. A sufficient supply of clean clothing shall be available for this purpose.

IIR1205 Nightime care of children.
Physical Care: In accordance with parent(s)' instructions, children shall be washed or bathed and changed into comfortable night clothing before going to bed.

A tub or shower for washing and bathing children shall be provided and shall be sanitized between each individual use. When children of the same family are present, they may be bathed at the same time.

715. Daily Illness Screening

IIR607 Health Practices and the Well Being of the Child.
The person(s) bringing the child into the center shall remain until the child is admitted. Person(s) picking up the child shall come into the center to pick up the child. Daily sign-in and sign-out by parent(s) or person(s) authorized by parent(s) shall be required. Parent(s) shall authorize a staff member to sign-in those children who come to the center directly from school.

Each child shall be received and greeted individually by the director or a staff member who shall observe the child for signs of physical illness, personal needs and signs of general well-being. Adults shall be alert to symtoms of illness throughout the day. Concerns about the child's health shall be reported to the parent(s).

716. Care of Sick Children

IIR607 Health Practices and the Well Being of the Child.
No ill child shall be cared for in child care facilities except when the child shows signs of illness only after arrival. In such cases, the parent(s) or other person(s) authorized by the parent(s) shall be contacted immediately and requested to come take the child from the center. Until such person(s) arrive, the child shall be closely supervised and cared for in the isolation area.

When a child becomes ill with a communicable disease, all staff members shall be advised, and all parent(s) of exposed children shall be notified that day. Exposed children shall be observed for symptoms of the disease.

When a serious accident or illness occurs, the director shall attempt to notify the parent(s) or others authorized by the parent(s) of the child. If unable to notify the parent(s) immediately, the director shall obtain medical services from the physician or medical facility as instructed in writing by the parent(s).

717. Medication and Special Diet Provisions

IIR611 Medication.
Prescription Drugs: Any medication shall be administered only according to a prescription from a physician to the child's parent(s). Written consent shall be obtained for any prescription drugs which are administered by center staff.

Non-Prescription Drugs: Any non-prescription drug or medication shall be administered only with the written consent and instructions of the child's parent(s), which shall be kept in the child's file.

Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label which shows the prescription number, name of medication, date filled, physician's name, child's name, and directions for dosage. When no longer needed, medications shall be returned to parent(s).

For each group of children one person and only one at any one time, shall be authorized to administer and to record administration of medications.

All medicines and drugs shall be kept in a locked storage area inaccessible to children.

Providing dietary supplements or making variations of diet shall be carried out only on written order from a child's parent(s).

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

IIR406 Building Plans and Construction.
Floors: Each new child care center shall have floor surfaces which shall not be splintered, sagged, or warped. Concrete floors shall be sealed. Floors shall be free of openings, drafts, or dampness. Telephone jacks and electrical outlets shall not be installed in the floor. All floors shall be of cleanable construction.

IIR505 Maintenance of Sanitation and Safety.
There shall be no smoking in areas used by children or in the kitchen. Each center shall comply with the Utah Indoor Clean Air Practices Act.

Whenever a floor above grade level is used in a center, there shall be safety bars or mesh in accordance with health and safety regulations on each window that can be opened and on every other window above grade level which is within thirty-six inches of the floor.

722. Fire Safety Requirements

IIR506 Fire Safety.

The local fire department or, in the absence of a local fire department, the State Fire Marshall shall determine the adequacy of all center measures for fire and life safety in accordance with the requirements of the minimum state laws as adopted by the State Fire Prevention Board.

IIR507 Fire Drills.

Each staff member of the child care center shall be trained in fire safety in accordance with local or state fire ordinances.

There shall be a fire exit plan and fire exit drills shall be held at least monthly at unexpected times and under varying conditions. Fire drills shall conform to local fire department procedures.

723. Transportation

IIR1105 Transportation Operation.

The director shall require written permission from parent(s) for transportation of a child to and from the center and for excursions in provider-operated vehicles or in vehicles volunteered for transportation use.

For each group of more than seven (7) and up to twenty (20) children, there shall be at least one adult supervisor in addition to the driver. There shall be a ratio of one non-driving adult for each additional twenty (20) children or portion of that number.

No child shall be permitted to remain unattended in the vehicle. Children shall remain seated while the vehicle is in motion. Keys shall be removed from vehicle at all times driver is not in the driver's seat.

Children shall be loaded and unloaded at the curb on the side of the street on which the home, center, or other destination is located and shall be accompanied from the vehicle into the home, center, or other destination by a responsible individual.

Transportation arrangements for school-age children shall be by agreement between the provider and the child's parent(s); that is, whether the child is to walk, ride his bicycle, or travel in a car. The provider shall exercise reasonable precaution to see that the child arrives at the facility from the school when expected and to follow-up on his/her whereabouts if he/she should be late.

Children shall be instructed in safe transportation conduct as appropriate for their age and stage of development.

Children shall not be in transport longer than two hours per day.

All non-parent drivers of vehicles transporting children shall comply with applicable laws of the Utah State Department of Public Safety, Motor Vehicle Department, and ordinances of the municipality in which the child care service operates.

All non-parent drivers of vehicles in which the children are transported, shall have a current American Red Cross First Aid Certificate and have access in the vehicle to a first aid kit, as recommended by the American Red Cross First Aid Handbook edition.

IIR1106 Vehicles and Vehicle Safety.
Any vehicle operated by the provider and used for the transportation of children shall be provided with door locks. The driver of the vehicle shall be responsible for assuring that doors are locked at all times while the vehicle is moving.

Any vehicle used for transportation of children shall be enclosed.

724. Safety Requirements for Equipment

IIR901 Safety and Size.
Equipment, materials, and furnishings shall be of sturdy, safe construction, easy to clean, and free of hazards which might be dangerous to the life or health of children. (Federal Hazardous Substances Labeling Act ISUSC 1261.)

Toys and equipment shall be free of sharp points or corners, splinters, protruding nails, loose rusty parts, or paint which contains lead or other poisonous materials.

Toys shall be of good, sturdy quality and shall be free of pins, small pieces that might be swallowed, sharp edges, staples, prongs, or wires and squeakers that remove. No toy shall be used if broken, or if it is likely to expose small parts or sharp edges.

Durable furniture such as tables and chairs, shall be child sized.

Use of homemade equipment shall be permitted so long as it is durable, safe, and of a size and weight suitable for children.

725. Water Activities (Including Swimming)

IIR508 Water Safety.
When a swimming pool is provided, it shall be maintained and operated in accordance with the tate or local health authority. Pools shall not constitute part of the required outdoor space.

726. Emergency Procedures

IIR108 Communication.

Previously arranged transportation shall be immediately available to the director for emergency use.

IIR109 Records Maintenance.

Retention and Availability of Records. If records for organizations having more than one center are kept in a central file, attendance, identifying, and emergency information for both staff and children shall be kept on file at the center attended by the child or where the staff member is assigned.

IIR111 Fatality and Hospitalization Statements.

Child care centers licensed, approved or certified by the State Division of Family Services shall report, in writing, any fatality of a child while under its supervision and any critical injury or illness of a child while at the center which requires admission to a hospital. This report shall be submitted to the licensing unit of the State Division of Family Services within forty-eight (48) hours of the fatality or hospitalization on Form 679.

727. First Aid Supplies

IIR607 Health Practices and the Well Being of the Child.

At all time, at least one staff member on duty at the center shall have a current American Red Cross Standard First Aid Certificate or a recognized equivalent. Standard first aid equipment as described and recommended by the American Red Cross First Aid Handbook, current edition, or a comparable kit shall be maintained and stored in an area inaccessible to children.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

IIR706 Nutrition.

Children in the child care center shall receive meals and snacks based on their individual need, appetite, age, and length of stay in the center according to the following schedule:

Hours in Care	Minimum Meals and/or Snacks	Proportion of Total Nutritional Daily Needs
12 hours per day	2 meals and 2 snacks	100%
8 hours or more but less than 12 hours per day	1 meal and 2 snacks or 2 meals and 1 snack	2/3
4 hours but less than 8 hours	1 meal and 1 snack	1/2 to 1/3
Less than four hours	1 snack	1/4
8 - 10 hours of nighttime care	2 snacks or meals if the child is in the center at the standard mealtime hours	1/2

Nutritious meals and snacks acceptable to the children shall be served at suitable intervals including at least a mid-morning snack, lunch, and a mid-afternoon snack. Breakfast or supper shall be served if the child is in the center at the normal time for those meals.

Foods served containing artificial color, artificial flavor, or other additives shall be in compliance with standards set forth by the Federal Food and Drug Administration.

The use of food extenders, additives, engineered or synthetic foods shall meet the regulations and recommendations provided by the Division of Health Nutritionist.

Only Grade A whole or Grade A 2% fluid milk shall be used for drinking. Powdered dry milk shall be used for cooking purposes only.

IIR1205 Nightime care of children.

Nutrition: The nutrition program shall meet requirements in the standards and shall include a nutritious bedtime snack and those meals normally served at the times the child is in the center.

IIR1305 Drop-In Care.

"Drop-in" children shall be fed breakfast, lunch and/or supper if they are in the center at the time those meals are served.

812. Waiver of Requirements

IIR706 Nutrition.

Children shall be served special diets or food supplements only in the amount prescribed by the child's physician or parent(s). Doctors' orders shall be available to the nutritionist for assistance in interpretation.

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

IIR410 Food Preparation Area and Equipment.

Food shall be prepared in an area which meets requirements of the state or local health authority. (See Utah Child Care Operators Supplement for chemical or heat sanitizing agents for dishwashing.)

Whenever food is transported requirements of the local health department shall be met.

When children age two (2) and over prepare food as a program experience, their activity shall be limited to use of equipment and applicances which do not present a safety hazard. There shall be at least one adult in the kitchen or food preparation area at all times children are present in the kitchen. Children shall not be allowed in the kitchen during meal preparation.

IIR701 Management.

In centers having 15 children or more, one person in addition to regular caregivers shall be required to manage the preparation.

Menus shall be planned at least two weeks in advance, dated and posted. All menus shall be openly displayed and available to those concerned. Any changes shall be posted before parent(s)' arrival to check children in; meals shall be served as posted. Cycle menus shall be used with a cycle minimum of three weeks.

All menu records shall be retained at the center for six months for periodic review and evaluations.

No group of children shall wait in line to use the dining area.

No group of children shall be expected to wait to eat beyond the appropriate eating time.

Each group using the dining area shall have all the time necessary for relaxed eating.

Noise in the dining area shall not interfere with the children's relaxed eating and their casual social conversations.

Sufficient food shall be prepared and served to allow for additional servings for the children on request and for the additional needs of the individual child.

IIR707 Mealtime Atmosphere.
Children shall not be forced to eat or punished for refusal to eat.

Children shall be involved in the food service and encouraged to help in serving the food, table setting, table cleaning, etc. The children may also be involved in some food preparation within the limits determined by the local health authority.

Meals shall be served in an area which is conducive to a relaxed atmosphere, natural conversation, and socialization.

Staff members shall sit with the children at mealtime and shall encourage the children to accept a variety of foods.

IIR708 Physical Arrangements and Sanitation.
All food shall be procured from sources approved as satisfactory by the local health authority.

Food service procedures, utensils and preparation areas, and food storage shall be operated in compliance with the requirements of the state or local health authority.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

IIR106 Parent Participation.
Center staff shall make time available for parent conferences as requested by parent(s). Provisions shall be made for at least quarterly conferences with parent(s) to inform them of the child's progress and needs and to solicit input from them about the child's needs.

The center shall be open to visits by parent(s) or prospective patrons at all times the center is open for services to children.

IIR1205 Nightime care of children.
The caregiver, in consultation with the parent(s), shall insure that the nighttime care is appropriate to the child's special needs.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS (Infant Child Care)

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS (Infant Child Care)

1130. INFANT NUTRITION

See DAY CARE CENTERS (Infant Child Care)

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

IIR809 School Age Program
A center serving school-age children shall supplement and enrich the children's experience at home, in school, and in their neighborhood.

IIR909 Equipment for School Age Children.

If the facility serves children six years of age or older, it must have available materials and equipment from each of the following categories:

> Arts and crafts: Sewing, knitting, weaving, jewelry, materials for costumes and puppetry, drama and dancing, woodwork, a variety of musical equipment, paper, paints, clay, etc.
>
> Games: Table games, puzzles, cards, etc.
>
> Sports: Regulation-size basketballs, softballs, footballs, tetherballs, outdoor gym sets, etc.
>
> Science: Gardening tools, nonpoisonous seeds and growing plants, fish, aquarium, dry batteries, magnets, compass, thermometer, rope and pulleys, scales, magnifying glass, etc.
>
> Language and math skills: Books, magazines, posters, alphabet letter sets, posters and pictures available from travel agencies, abacus.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

IIR405 Building Site.

New child care centers shall not be located in a private residence unless that portion of the residence to which children have access is used exclusively for the children during the hours the center is in operation.

No other business enterprise shall be conducted in a child care center during the hours of operation.

Each new child care facility shall have an outdoor play area which is directly accessible and adjacent to the indoor facilities so that indoor and outdoor play can be interchangeable.

The outdoor play area shall be a minimum of 2,000 square feet, or 40 square feet per child for any grup of children using the outdoor play area, whichever is greater.

The play area shall be fenced or have stationary walls to restrict children from unsafe areas. In new child care centers, the fencing shall be at least five (5) feet high.

In new child care centers, the play area shall be designed so that all parts are visible from one location and easily supervised.

Ground areas shall be well-drained and shall have a major portion of the surface in turf, with a space for digging and planting. Approximately one-quarter of the required outdoor space should have a hard surface for use of wheel toys.

A shaded area shall be provided by means of trees or other cover to guard children against the hazards of excessive sun and heat.

The outdoor play area shall have a sheltered area which permits small groups of children to play outside in inclement weather.

IIR406 Building Plans and Construction.

Open indoor play space of thirty-five (35) square feet of floor space per child shall be required, excluding kitchen, toilet rooms, isolation area, office, staff rooms, corridors, hallways and stairways, closets, lockers, laundry, furnace rooms, and space occupied by permanent built-in cabinents and storage shelves. In new centers, each area used for child activities shall meet the above space requirements for the number of children served in that area.

IIR411 Office Facilities.

New child care centers shall provide office space for staff use in interviewing, conferences, administrative duties and responsibilities, and other staff needs.

There shall be provision in the office area for maintenance and safe storage for records of children and staff, and business records of the facility.

IIR412 Isolation Area.

An isolation area shall be provided for the temporary care of children who become ill. It shall be separated from space used by other children by at least a partition or screen. It shall be in close proximity to toilet and lavatory facilties and so located that children can be easily supervised and observed.

IIR413 Sleeping Area and Equipment.

Cots or mats shall be properly stored in an area which is not included in the required square footage assigned for play space.

IIR414 Storage.

Adequate storage space shall be provided for indoor and outdoor equipment and supplies to allow for order in the center.

Storage of daily play materials shall be at child level.

Space for reserve supplies shall be in addition to the designated storage space for children's daily play materials.

There shall be appropriate storage space provided for each child to maintain his/her personal clothing and other possessions. This space shall have hooks for hanging clothing or other devices which maximize the child's ability to be independent.

IIR1006 Interest Areas.

Play space shall be divided into interest areas or learning centers where a variety of activities shall be available simultaneously for independent play choices. Physical room dividers may be used to create the required smaller play areas or interest areas. It is recommended that these dividers be moveable. Tables and table areas may be used as different areas during different times of the day.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

IIR407 Heat, Light, Ventilation.

All heating elements, including hot water pipes, shall be insulated or installed in such a way that children cannot contact them.

Heating facilities shall be capable of maintaining a draft-free temperature as set by the Board of Health.

Each activity room in which children are cared for must have a window from which children can see out. Sighting shall meet Board of Health requirements.

Ventilation in new centers shall be provided by having at least one-half the window area openable to outside air or by having means of mechanical ventilation.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

HR408 Plumbing and Toilet Facilities.

Toilet facilities shall be in a separate room located on the same floor as the inside play area and shall be easily accessible to the playroom and outdoor playground.

In new child care centers, toilet room walls, ceilings and floors around the toilets shall have an easy cleanable and non-skid surface.

Toilet facilities shall be maintained in a sanitary manner and kept in good repair.

Rooms with toilets shall be vented as specified by the Board of Health.

In new centers, toilet facilities available for the staff and other adults shall be in separate compartments except in center licensed for thirty (30 children or less.

A minimum of one (1) lavatory or basin and one (1) flush toilet shall be provided for each twelve (12) children. Toilets and lavatories shall be child size in height or adjusted by use of safe platforms or seat adapters. Urinals may be substituted for second toilets.

All new centers shall have lavatory facilities located where activities (i.e., clay modeling, finger-painting, pasting, etc.) warrant the additional need for washing hands.

Facilities serving school age children (6 years of age and over) shall have provision for privacy in use of bathroom. Separately labeled bathrooms with booths constitute compliance as does a single bathroom with a reversible boy/girl sign.

Warm and cold water shall be avaialble to the children at all times. Faucets shall be kept in good repair. Water available to children in centers shall have controls which prevent temperature from rising above 120 degrees Fahrenheit. A mixing valve or a combination faucet shall be provided.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

IIR1410 Application for Licensure.
The applicant shall obtain certifications of compliance with requirements of collaborative agencies and present the following to the Division:

Zoning approval letter
Fire - DFS Form 48
Health/Sanitation - DFS Form 678
Health/Nursing - DFS Form 50
Health/Nutrition - DFS Form 56
Building permit for new construction
Certification of compliance with any local ordinances or State Building Board with regard to occupancy use.

1520. FIRE

IIR406 Building Plans and Construction.
Each building to be used for child care shall meet the requirements of the State Division of Health (sanitation, nursing, etc.) or its local unit, and the local fire department or the State Fire Marshall. After initial licensing, each facility shall be inspected annually or as often as deemed necessary by collaborating agencies.

The indoor space shall be in conformance with building requirements adapted by the Utah State Fire Prevention Board.

1530. BUILDING
See 1510. ZONING

1540. HEALTH

IIR408 Plumbing and Toilet Facilities.
The water supply, sewage disposal system, toilet and lavatory facilities shall be in compliance with requirements of the State or local health authority and with local building codes.

See also 1510. ZONING

1550. SANITATION
See 1510. ZONING

1560. NEW CONSTRUCTION

IIR406 Building Plans and Construction.
Plans: Prior to construction, plans for new buildings, or for extensive remodeling of existing buildings shall be submitted for review and approval of the Division of Family Services, the local zoning authority, the local health authority, the local fire department, and the local building department with respect to areas of their specific responsibility. Findings shall be submitted in writing to the provider within 30 days.

Except where otherwise noted, all citations are to the Utah Department of Social Services, Group Care Standards for Infant Child Care, November, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions
See DAY CARE CENTERS

233.3 Judicial Review
See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

IIR1510 Compliance Requirements.
All providers wishing to provide care for children between the ages of six weeks and twenty-four months shall meet the Utah Licensing Standards for Child Care requirements for centers serving preschool children. In addition, the following special rules and regulations shall apply:

312. Telephone
See DAY CARE CENTERS

313. Proof of Operator Financial Capabilities
Not specified

314. Insurance
Not specified

320. PERSONNEL

321. Publication of Personnel Policies
See DAY CARE CENTERS

322. Constraints Against Employment
See DAY CARE CENTERS

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

See DAY CARE CENTERS

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

See DAY CARE CENTERS

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

IIF1520 Staff Requirements.
Whenever four (4) or more infants are in attendance, there shall be at least two (2) caregivers present.

Each infant care facility shall maintain a staff ratio of one caregiver for each four (4) infants in attendance.
The maximum number of infants in any one group or in any one room or area of the facility shall not exceed eight (8).

There shall be sufficient staff so that an adult is always present and supervising when infants are sleeping.

There shall be sufficient auxiliary help for housekeeping duties, cooking, and laundering, so that caregivers can give full attention to infants' care.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See DAY CARE CENTERS

512. Health

See DAY CARE CENTERS

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513. Education

See DAY CARE CENTERS

514. Experience

See DAY CARE CENTERS

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

See DAY CARE CENTERS

530. SUPPORT STAFF QUALIFICATIONS

See DAY CARE CENTERS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See DAY CARE CENTERS

542. Child Caregiver Staff

See DAY CARE CENTERS

543. Support Staff

See DAY CARE CENTERS

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

IIR1550 Activity with Infants.
All infants shall have ample opportunity during each day for freedom of movement, such as creeping or crawling or rolling in a safe, clean, open uncluttered area.

A child who is awake shall not spend more than one hour of consecutive time confined in a crib, playpen, jump chair, walker, etc.

Each infant shall have periodic individual personal contact and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to and played with. This contact and attention shall be provided by the same adult on a regular basis.

There shall be provisions for the infant to safely explore and investigate the environment. There shall be both stimulation and time for quiet activity.

Infants shall be presented with interesting and varied toys, sights, sounds, tastes, textures, novelty, and richness in surroundings appropriate to their developmental levels.

The providers shall not force or plan for infants to be toilet trained before twenty-four months of age.

IIR1580 Daily Schedule (Program).
There should be some regularity of sleep time, feeding time, play time, but the schedule should not be rigid.

Routines shall be individualized for each child and fit into the schedule set up by the parents.

In good weather, some time outdoors shall be provided for each infant.

612. Program Equipment and Materials

IIR1570 Equipment.

The following minimum equipment shall be provided:

Individual bath towels and washcloths.
Bedding, including crib and receiving blankets, fitted crib sheets.
Individual cribs. Each crib 2 1/4 x 4 feet or 3 by 5 feet; crib slots shall be no more than 2 3/8 inches apart; cribs shall be of safe construction and shall have a firm, comfortable, waterproof tight fitting mattress. Bed linen shall be kept in a clean, sanitary condition at all times.
Crib bumpers.
High chairs with a broad base and a strap between the legs or feeding tables equipped with a harness (one of either for each two infants enrolled).
Rocking chairs, adult.
Mirrors at floor level, unbreakable.
Toy storage (bins, baskets, shelves).

Toys which provide a play environment that invites learning and experimentation: toys that a child can "act on" and use independently, that respond to his actions, toys and materials that stimulate the senses of touch, sight, taste, hearing, etc., and equipment that encourages creeping, walking, riding, climbing, digging, reaching, etc. A selection of the following play things shall be available to include:

Blocks (at least 2" square).

Busy boards (12-18 months old).

Balls (clutch balls, hard rubber balls, texture balls, foam balls, non-toxic and non-flammable).

Cuddly toys (soft, non-allergic, with eyes that are not sewn or painted on).

Floating toys.

Form box.

Kitchen toys (muffin tins, aluminum pans and lids, wooden spoons, measuring spoons, metal and plastic cups).

Music toys or auditory stimulation toys (rattles, bells that are too large to be swallowed, shakers, sandpaper blocks, plastic keys on rings).

Nesting and stacking toys (tin cans, boxes, graduated rings, child-proof bean bags).

Rattles and rubber and plastic squeeze toys that are washable.

Digging materials, spoons, bucket, scoop.

Record or cassette player and radio.

613. Nap Provision

IIR1550 Activity with Infants.

Each infant shall be allowed to maintain his/her own pattern of sleeping and waking periods.

IIR1560 Facilities and Space Requirements for Infants.

If a combination sleep-playroom is used, adequate screening by a portable divider shall be used so that infants requiring sleep or rest may do so undisturbed by other activities.

Each sleep or rest area, whether separate or combined with play area, shall be limited to not more than eight (8) infant cribs with a space of not less than two (2) feet separating each crib.

614. Discipline and Guidance

See DAY CARE CENTERS

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

See DAY CARE CENTERS

712. Health Assessments

See DAY CARE CENTERS

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

IIR1530 Hygiene - Infant and staff.
Each infant shall be provided with clean wash cloth and towels for washing as needed. All toilet articles shall be labeled with the child's name and kept in a sanitary condition.

Wet or soiled clothing shall be changed promptly. The infant nursery or parents shall provide a sufficient supply of clean clothing.

A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed. Safety pins shall be kept out of reach of infants. Infants shall not be left unattended on a surface from which they might fall. Use of disposable diapers is recommended.

Soiled cloth diapers shall be immediately rinsed and placed in plastic lined, covered containers. These containers shall be emptied, cleaned, and disinfected at least daily. Soiled disposable diapers shall be removed from the care area regularly during the day.

Hands shall be washed with soap and running water before preparing food and before and after feeding each infant and after each diapering.

715. Daily Illness Screening

See DAY CARE CENTERS

716. Care of Sick Children

See DAY CARE CENTERS

717. Medication and Special Diet Provisions

See DAY CARE CENTERS

718. Waiver of Health Requirements

See DAY CARE CENTERS

720. SAFETY

721. General Safety Requirements

See DAY CARE CENTERS

722. Fire Safety Requirements

See DAY CARE CENTERS

723. Transportation

See DAY CARE CENTERS

724. Safety Requirements for Equipment

IIR1570 Equipment.

All equipment, materials, and furnishings of the infant nursery shall be of sturdy, safe construction, easy to clean, and free from hazards which might be dangerous to the life or health of the children. They shall be kept clean and in good condition, free of sharp points or corners, splinters, protruding nails, loose rusty parts, loose metal squeakers, or paint which contains lead or other poisonous materials. If a toy or other object has parts, no parts shall be small enough to be swallowed by the infant.

725. Water Activities (Including Swimming)

See DAY CARE CENTERS

726. Emergency Procedures

See DAY CARE CENTERS

727. First Aid Supplies

See DAY CARE CENTERS

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

IIR1540 Nutrition and Feeding.

The food served infants shall meet the Recommended Daily Allowance (RDA) of nutritional needs, ...

An individualized diet and feeding schedule shall be carried out according to a written plan submitted by the parents or the child's physician. A change of diet and schedule shall be noted on each child's daily schedule and posted in an area clearly visible to the nursery staff.

If the infant nursery provides all infant's food other than formula, it shall provide food which is varied and includes cereal, vegetables, fruit, eggs, and meat in accordance with the individual infant's written plan.

812. Waiver of Requirements
See DAY CARE CENTERS

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

IIR1540 Nutrition and Feeding.
There shall be no formula preparation at the center. A day's supply of formula in unbreakable nursing bottles shall be provided by the parents or guardians. Bottles of formula shall be clearly labeled with each child's name. After use, bottles and nipples shall be rinsed thoroughly before return to the parent. Special dietary foods shall be prepared by parents or guardian if required by the child.

Adequate refrigeration for formula and solid foods shall be provided. Solid infant food shall be fed with a spoon. Unused infant foods shall be discarded or stored, covered in the original container not longer than 24 hours. Dry cereal, cookies, crackers, breads, and similar foods shall be stored in clean, covered containers.

All young infants shall be held for bottle feeding and during the introduction of solid food. Older infants and toddlers shall be fed in safe high chairs, or at baby feeding tables. Older infants shall be provided suitable foods which encourage freedom in self-feeding.

Clean, pure drinking water shall be offered to infants several times a day.

A daily record shall be kept of foods eaten at the center. This recored shall be shared with parents.

New foods and new eating skills (i.e., cup feeding), shall be introduced gradually. Children shall be permitted dislikes and special preferences.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

See DAY CARE CENTERS

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

IIR1560 Facilities and Space Requirements for Infants.
The infant care facility shall be located on ground level only.

The outdoor area for infants shall be separate from older children's play area, or not be used for any other group of children while being used for infants.

Adequate convenient storage for diapers, clothing, and other items shall be provided for each infants.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

IIR1560 Facilities and Space Requirements for Infants.
The required minimum temperature shall be 70 degrees at the floor level. Infants shall be protected from draft and prolonged exposure to direct sunlight.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

IIR1570 Equipment.
For children between the ages of 18 months and age 2, who may use a toilet seat, the provider shall have individual, small toilet or potty chairs that are child sized and can be used independently by the child. The toilet bowls must be emptied and washed clean after each use.

A flush toilet or flush sink shall be provided for rinsing soiled diapers. After rinsing, soiled diapers shall be placed in covered containers and removed daily for washing.

Handwashing facilities for adults shall be conveniently located in, or adjoining area used for infants.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

See DAY CARE CENTERS

Except as otherwise noted, all citations are from the Vermont Department of Social and Rehabilitation Services, Regulations for Day Care Centers, October, 1973. The Office of Child Development was abolished by Executive Order #2 on January 14, 1944. All references to the Office of Child Development Services should be substituted by the Department of Social and Rehabilitative Services, which now has the responsibilities given to the Office of Child Development, as a result of Executive Order #2. This transfer occured on April 15, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Definitions.

A day care facility is any place operated as a business or service on a regular or continual basis, whether for compensation or not, to provide day care services on a full-day or half-day basis.

An early childhood facility is any place, except those supported in whole by tax funds, operated as a business or service on a regular or continual basis, whether for compensation or not, to provide preschool educational services on a half-day basis.

Day care services provide for the care, protection, growth, development and supervision of children outside of their own homes for periods of less than 24 hours a day by a person other than the child's parent or relative to the third degree of kinship.

A nursery school is an early childhood facility which provides social and cognitive experiences to children three or four years old. No child attends longer than five hours per day, usually within a morning or an afternoon session.

A day care center is a day care facility which provides care and protection to more than 12 children. Centers do not usually attempt to simulate family living. Centers often utilize sub-grouping on the basis of age and special needs, but also provide opportunities for the experiences and learning that accompanies an intermingling of ages.

Day care services to non-recurring clientele are those services provided specifically to meet the short term needs of families arising from tourism, family recreation, shopping, or any circumstances where the child is separated from the parents for no longer than portions of a few days. These day care facilities are often located at or near recreational areas, hotels, motels, lodges, or shopping centers.

112. Exclusions and Exemptions

VT. STAT. ANN., Tit. 33, §2852 Day Care Facilities.
Unless exempted under subsection (b), a person shall not operate a day care facility unless he has a license from the Department of Social and Rehabilitative Services to do so.

The following persons are exempted from the provision of subsection (a):

> A person providing care for children of not more than two families other than that of the person providing the care.

A hospital or establishment holding a license issued by the department of health, or a person operating a program primarily for recreational or therapeutic purposes, unless the hospital, establishment or person provides services for the care, protection, and supervision of children not incidental to its primary purpose in which case subsection (a) shall apply to all those non-incidental additional services.

Day care facilities operated by religious organizations for the care and supervision of children during or in connection with religious services or church sponsored activities.

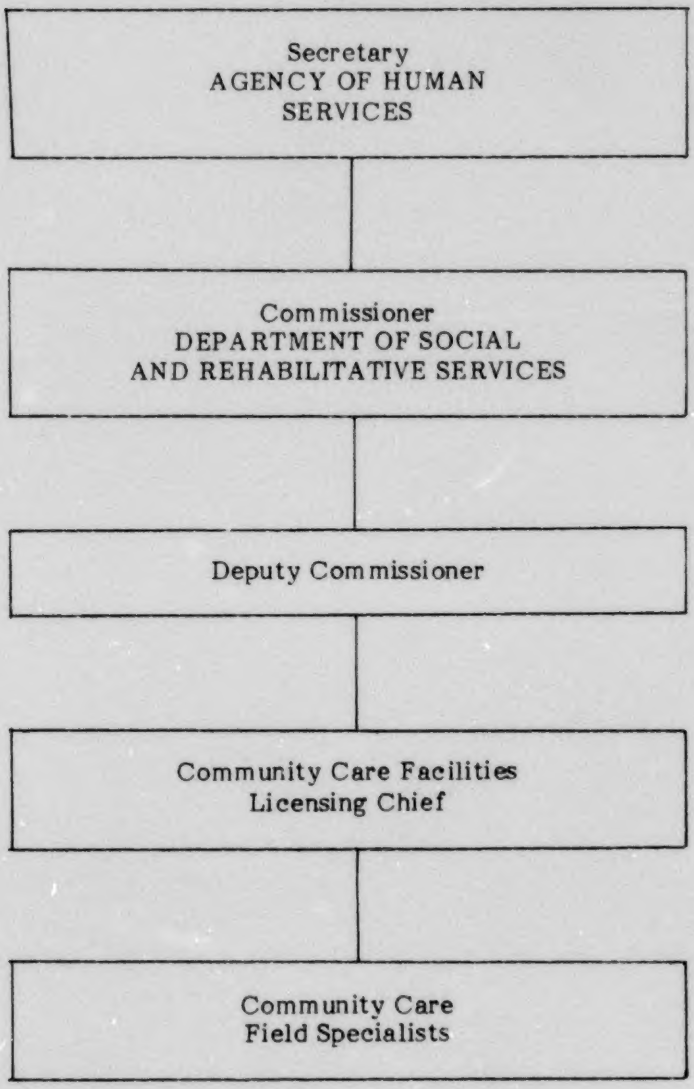
Nursery schools or other preschool establishments, attended by children of less than compulsory school age, which are subject to regulation by the department of education.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Secretary
AGENCY OF HUMAN SERVICES
Commissioner
DEPARTMENT OF SOCIAL AND REHABILITATIVE SERVICES
Deputy Commissioner
Community Care Facilities Licensing Chief
Community Care Field Specialists

In Vermont, day care licensing is a state administered function with licensing staff reporting directly to the state central office.

122. Responsible Official

All inquiries should be addressed to:

Community Care Facilities Licensing Chief
Department of Social and Rehabilitative Services
103 Southmain St.
Waterbury, Vermont 05676
(802) 241-2158

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

VT. STAT. ANN., Tit. 33, § 2852 Day Care Facilities.
Regulations pertaining to Day Care facilities shall be designed to insure that children in Day Care facilities are provided with wholesome growth and educational experiences, and are not subjected to neglect, mistreatment or immoral surroundings. The commissioner, in issuing these regulations, may request and shall receive the assistance of the Commissioner of Education as to educational matters.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Definitions.

A license is issued when the facility has met all licensing requirements, but exceptions to licensing requirements may be made when deemed by the Commissioner of the Department of Social and Rehabilitation Services, in her or his sole discretion, to be in the best interest of the children served by the facility and adequate protection of the children in care is assured.

The terms of the license indicate the name, address, telephone, days and hours of operation, maximum number of children that may be in care at any one time, and the kind of facility that is authorized to operate.

The conditions of the license indicate any further requirements that must be met by the facility and the time within which such requirements must be satisfied in order to retain the license.

You may obtain an official application for a day care or early childhood facility license by writing, telephoning, or appearing in person at the Department of Social and Rehabilitative Services, Waterbury, Vermont.

When complete, the application should be returned to the Department. A staff member of the Department will at that time proceed with an evaluation of your facility.

The licensing procedure usually takes about 30 days from the date your application is received until a final determination is made. However, if the application received is incomplete, it will be returned to the applicant for completion before a proper evaluation can be made.

When you have completed these requirements, you will be issued a license that will not only protect you but also the children in your care.

313.10 A day care facility serving 12 or more children shall receive a Day Care Center License.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Definition.

The license period is one year from the date of issuance unless otherwise indicated on the license.

225. Conditional/Provisional Licenses

Definition.

A provisional license may be issued if a facility has met most of the licensing requirements but needs time to conform to others. If the care of the children provided by a facility is deemed adequate, and the facility continues to make progress in conforming to all licensing requirements, a provisional license may be in force for up to one year, but may not be renewed.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

Not specified

233. Remedies and Sanctions

233.1 Hearings

Procedures and Appeals.

A person who has been refused a license, or whose license application has not been acted upon with reasonable promptness, or whose license has been revoked or suspended; or a person who is aggrieved by any other action by the Department as it affects the license or license application; or anyone who is aggrieved by the Department policy as it affects his/her situation may request and will be granted a fair hearing.

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

301.10 Admission of children shall involve an interview with the parent to secure necessary information about the child and to ascertain if the child can benefit from day care.

301.20 A sample admission form is recommended by the Department. Each day care facility may devise its own form as long as it contains the following:

Emergency phone numbers;

Name of child's doctor; and

Name, address and telephone number of responsible person to contact if parent cannot be reached.

302.20 The day care director shall submit to the Department of Social and Rehabilitative Services, as requested and on forms provided by the Department of Social and Rehabilitative Services, information concerning:

Names, ages of children cared for;

Date admitted, date withdrawn;

Any change in members of staff;

References and evaluations; and

Other reports as requested.

312. Telephone

311.70 A Day Care Home shall have a telephone with posted telephone numbers of local doctors, fire department, police department, hospitals and parents of children in care.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

323.90 Each Day Care Home shall carry liability insurance of a reasonable amount for its own protection.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

341.13 The director shall secure at the time of admission signed permission by the child's parent to contact a physician in the event of illness or injury.

301.23 Prior to admission, a physician's statement that the child is free from communicable diseases, or the medical history of the child as written by a R.N. or P.H.N. is required. These documents shall be part of the child's records. When the child leaves the day care facility these documents shall be returned to the parent. The day care director shall ensure that each child has had all immunizations appropriate to her/his age, including Polio, DPT/DT and Measles.

302.10 The following written records shall be maintained in the day care facility and kept up-to-date:

Application or admission form on each child in care;

Vital statistics on each child in care, including data on age, weight, height, etc.;

Summary of parent conferences including dates held; and

Health records of staff and of children, including physician's statement or medical history, description of physical disabilities, dietary requirements, immunization records, and signed permission by parent to contact child's physician in the event of illness or accident.

342. Staff

341.14 Health records of staff, including physician's statement or medical history, shall be maintained in the day care facility and kept up-to-date.

See also 341. Children

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

324.41 Reports of mistreatment coming to the attention of the Department of Social and Rehabilitative Services will be investigated and, when appropriate, referred to the proper authorities.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

313.20 For groups of children under 24 months of age, the child-adult ratio shall not exceed 5 children for each adult.

313.30 For groups of children 24 through 36 months of age, the child-adult ratio shall not exceed 5 children for each adult.

313.40 For groups of children 3 through 5 years of age, the child-adult ratio shall not exceed ten children for each adult.

313.50 For groups of children 6 through 15 years of age, the child-adult ratio shall not exceed twelve children for each adult.

313.60 There shall be a minimum of two adults on duty when the number of children in attendance exceeds six.

412. Methods of Computing Staff/Child Ratios

313.70 In determining the child-adult ratio, only those day care staff members working directly with the children in a minimum of 75% of their assigned duty time at the facility may be counted.

313.80 The number and ages of children in a Day care Center shall be determined by the experience, physical strengths, skills and capacity of the director and staff, and their ability to deal with children of different ages and capacities, subject to the section above.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

331.40 Regular staff who assume major responsibility shall be at least eighteen years old. Aides who are under eighteen years may assist under supervision, but shall not be counted in the child-adult ratio.

512. Health

333.10 All staff shall have an annual physical examination or a written statement from a physician stating they are in good physical and emotional health. This includes a T.B. test or an x-ray. All such records shall be on file in the personnel records.

513. Education

Not specified

514. Experience

331.00 Staff shall have sufficient knowledge of early childhood development and skills in working with children, developed through formal training and/or work experience, to properly fulfill all responsibilities with which they are charged.

331.20 All staff shall have a knowledge in and be familiar with the proper use of first-aid supplies, and be aware of the hazards of infection and accidents and how such hazards can be minimized.

331.30 The suitability of all staff shall be determined by reliable and satisfactory references which shall indicate the staff person's demonstrated interest in and liking for children, understanding of children and their growth needs, personal competence and emotional stability, and dependability.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Not specified

524. Experience

331.10 The director shall be a mature competent person who can combine the duties of administration and program planning with those relating to providing an environment conducive to the physical, emotional, and social growth of children.

331.10 The director shall have had a satisfactory combination of training and/or experience relating to children. Acceptable experience consists of a minimum of one year of experience with groups of children, preferably preschool.

530. SUPPORT STAFF QUALIFICATIONS

See 510. Child Caregiver Staff Qualifications

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

332.10 It shall be the responsibility of the director of the Day Care Center to provide in-service training and/or disseminate information about meetings in the area and to prompt and allow staff to attend workshops or meetings which would benefit the staff.

543. Support Staff

See 542. Child Caregiver Staff

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

322.10 Some differentiation of program shall be made for the three year old whose activities are more limited and different than the more active four and five year olds.

322.20 Day Care Programs and Policies for school age children shall be flexible enough to allow them to accept appropriate responsibilities in accordance with their abilities and the parent's consent.

322.30 Opportunity shall be given for the interaction between the day care children and the day care staff to promote the emotional and social development of the child.

322.50 Opportunity shall be available for outdoor activity, appropriate to the age of the child, when the weather permits.

322.60 Periods of active and quiet play shall be alternated to avoid fatigue and overstimulation.

322.70 There shall be provision for individual as well as group activities with opportunities for the children to explore materials and to express themselves and follow their interests. The program shall thus utilize methods and materials designed to promote the physical, social, emotional, and intellectual development of the child.

612. Program Equipment and Materials

312.10 Play equipment of sufficient quantity and variety shall be provided indoors and out which is appropriate to the needs of the children, their developmental levels and interests; such equipment shall be maintained in good repair.

312.20 There shall be equipment which encourages large muscle activity (climbing apparatus, swings, wheel toys, tumbling mats, etc.).

312.30 There shall be equipment which encourages quiet activity (sand, clay, crayons, paints, story and picture books, dolls, puzzles, music, etc.).

613. Nap Provision

321.20 Provisions shall be made for a rest period of at least an hour daily; individual cots are recommended. Mats or sleeping bags may be used if floor is clean and free from drafts and dampness. Cribs for infants shall have slides. Beds regularly used by the family shall not be used for day care children unless a separate covering is placed on the bed.

321.30 There shall be a nap period or quiet period after the mid-day meal for children age four and under.

614. Discipline and Guidance

324.10 Discipline shall meet the needs of each individual child.

324.20 Authority to punish shall not be delegated to older children.

324.30 A child shall not be deprived of snacks or meals as punishment.

324.40 No child shall be subjected to verbal abuse or threats. Cruel, severe, unusual or unnecessary punishment shall not be inflicted upon children. Derogatory remarks shall not be made in the presence of children, about family members of children in care, or about the children themselves; ...

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

341.11 The director shall assure that proper indoor and outdoor clothing is available for each child in the day care facility, and that each child is dressed appropriately for all activities;

712. Health Assessments

341.10 A Day Care Home operating primarily for the purpose of providing care for children in attendance on a non-recurring basis shall meet the above requirements, with the exception of sections 101.30, 102.14, and 103.10, and shall, in addition, meet the following:

> The director shall determine at the time of admission of a child that child is free from communicable diseases, is in good health, and has no physical or mental disability which would preclude the child's admission to the home.

See also 341. Children

713. Immunizations

See 341. Children

714. Sanitation

Not specified

715. Daily Illness Screening

323.10 No child shall be admitted to a Day Care Center if in the opinion of the director the child is ill.

716. Care of Sick Children

323.30 An ill or injured child shall receive immediate attention of the staff;

323.31 An ill or injured child's parent shall be notified of the child's illness or injury; the child shall be moved only with the permission of the parent or by direction of a physician; and

323.32 An ill or injured child (if allowed) shall be isolated in a separate room, under supervision. Clear plans shall be made for the earliest possible return of the child to the parent.

717. Medication and Special Diet Provisions

323.40 Medication or special diet shall be given to the child only on written request of the parent, guardian or physician.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

311.20 The Day Care Center shall meet state Life-Safety and Environmental Sanitation requirements.

311.40 Drugs, poisons, harmful chemicals, household supplies and recreational equipment other than that used by the children, dangerous tools and weapons shall be locked out of sight or, otherwise, inaccessible to the children.

722. Fire Safety Requirements

Not specified

723. Transportation

314.10 Transportation may be provided for children either as part of the program or for pick-up and delivery when the following conditions are met:

> No more than five children shall be carried in a standard passenger car without the presence of a second adult;
>
> The vehicle shall be properly inspected by an official Vermont Inspection Station;
>
> All installed safety equipment appropriate to the sizes and ages of the children shall be utilized.
>
> Car-beds, car-seats, child-harnesses, lap-seat-belts, and shoulder-belts shall meet federal safety standards;
>
> There shall be no standing passengers;
>
> The operator of the vehicle shall hold a State of Vermont regular operator's license;
>
> Automobile insurance with special passenger-carrying permit at limits of bodily injury liability of not less than $50,000/$100,000 and property damage liability of $10,000 shall be carried;

Seats shall be securely fastened to the floor of the vehicle; and

Children shall not be transported in truck bodies.

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

311.30 There shall be plans for the protection or evacuation of children in event of a natural disaster or other emergency; and

311.31 There shall be a responsible adult available or on call for emergencies. This person's name, telephone number, and signed statement of availability shall be on record.

727. First Aid Supplies

323.20 Adequate first-aid supplies shall be maintained for emergency medical care of a child who may become injured or ill.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

323.50 Adequate and nutritious snacks and meals shall be provided when the child's stay at a Day Care Center exceeds three hours. A weekly menu shall be available for inspection.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

323.60 All food shall be wholesome, well prepared, and the diet shall be carefully planned and shall include at least one pint of milk a day for each child who attends a full day.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

303.10 The director and/or staff shall meet with parents at least three times per year.

303.20 Arrangements for the child's return to the parent shall not include third parties or other child care facilities unless written agreement between the day care facility and the parent is on file with the director.

303.30 A system of positive identification of children and parents shall exist in the day care facility.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

322.40 Infants shall be held, played with, and given social experiences which are stimulating to growth and development. Infants shall not be isolated or left in cribs for the major part of the day, nor shall they be inhabited in their progress toward creeping, walking and talking, and in awareness of or reaction to their environment.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

3130.10 The Day Care Center shall provide a pleasant and cheerful environment for the children. Furnishings shall be appropriate for the size and activities of the children.

311.50 There shall be provision for a safe outdoor play area which provides a minimum of 75 square feet of space per child. The play area shall be protected from traffic or other hazards in a manner safe for children.

311.60 There shall be indoor space of at least 35 square feet per child. This space shall not include toilet facilities, food storage or preparation area, office or isolation room.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Vermont Department of Social and Rehabilitation Services, Regulations for Kindergartens and Nursery Schools, October, 1973.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

402.20 The day care director shall submit to the Department of Social and Rehabilitative Services, as requested and on forms provided by the Department of Social and Rehabilitative Services, information concerning:

Names, ages of children cared for;

Date admitted, date withdrawn;

Any change in members of staff;

References and evaluations; and;

Other reports as requested.

312. Telephone

411.70 A Day Care Home shall have a telephone with posted telephone numbers of local doctors, fire department, police department, hospitals and parents of chidren in care.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

423.90 Each Kindergarten or Nursery School shall carry liability insurance for its own protection, in an amount not less than $50,000.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

402.10 The following written records shall be maintained in the day care facility and kept up-to-date:

Application or admission form on each child in care.

Vital statistics on each child in care, including data on age, weight, height, etc.

Summary of parent conferences including dates held; and

Health records of staff and of children, including physician's statement or medical history, description of physical disabilities, dietary requirements, immunization records, and signed permission by parent to contact child's physician in the event of illness or accident.

342. Staff

See 341. Children

343. Child Eligibility and Enrollment Requirements

401.10 Admission of children shall involve an interview with the parent to secure necessary information about the child and to ascertain if the child can benefit from day care.

401.20 A sample admission form is recommended by the Department. Each day care facility may devise its own form as long as it contains the following:

Emergency phone numbers;

Name of child's doctor; and

Name, address and telephone number of responsible person to contact if parent cannot be reached.

401.33 Prior to admission, a physician's statement that the child is free from communicable diseases, or the medical history of the child as written by a R.N. or P.H.N. is required. These documents shall be part of the child's records. When the child leaves the day care facility these documents shall be returned to the parent. The day care director shall ensure that each child has had all immunizations appropriate to her/his age, including Polio, DPT/DT and Measles.

413.10 A Kindergarten or Nursery School shall not accept children under 3 years old.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

413.30 At least one adult staff person shall be on duty and assigned to each group.

412. Methods of Computing Staff/Child Ratios

413.50 The number and ages of children in kindergarten or nursery school shall be determined by the experiences, physical strengths, skills and capacity of the director and staff, and their ability to deal with children of different ages and capacities, subject to the sections above.

420. GROUP SIZE

421. Group Size as of March, 1981

413.20 The maximum number of children in a group shall be determined as follows:

A group of children age 3 shall not exceed 10.

A group of children age 4 shall not exceed 12.

A group of children age 5 shall not exceed 15; and.

A group of children of different ages shall not exceed the maximum number listed for the age group of the youngest child.

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

431.60 Regular staff who assume major responsibility shall be at least eighteen years old. Aides who are under eighteen years may assist under supervision, but shall not be counted in the child-adult ratio.

512. Health

133.10 All staff shall have an annual physical examination or a written statement from a physician stating they are in good physical and emotional health. This includes a T.B. test or an x-ray. All such records shall be on file in the personnel records.

513. Education

Not specified

514. Experience

431.30 Staff shall have sufficient knowledge of early childhood development and skills in working with children, developed through formal training and/or work experience, to properly fulfill all responsibilities with which they are charged.

431.40 All staff shall have a knowledge in and be familiar with the proper use of first-aid supplies, and be aware of the hazards of infection and accidents and how such hazards can be minimized.

431.50 The suitability of all staff shall be determined by reliable and satisfactory references which shall indicate the staff person's demonstrated interest in and liking for children, understanding of children and their growth needs, personal competence and emotional stability, and dependability.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

431.20 The director shall have had a satisfactory combination of training and/or experience relating to children. Acceptable experience consists of a minimum of one year of experience with groups of children, preferably pre-school.

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

See 510. Child Caregiver Staff Qualifications

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

432.10 It shall be the responsibility of the Day Care Home director to provide in-service training and/or disseminate information about meetings in the area and to prompt and allow staff, if any, to attend workshops or meetings which would benefit the staff.

543. Support Staff

See 542. Child Caregiver Staff

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

421.10 The program shall operate within a maximum of 5 hours per day.

421.20 Time for rest and relaxation shall be provided for children in attendance for four hours or more.

422.10 The Kindergarten or Nursery School shall submit to the Department of Social and Rehabilitative Services, for review and acceptance, a written curriculum plan for the year; and

422.11 The curriculum plan shall include a balance of activities designed to promote the physical, emotional, social and cognitive development of the children, taking into account their ages and developmental needs; science, math, language, art, music, social studies, and physical and health education shall be included.

422.20 Opportunity shall be given to the children for periods of free choice in selection and use of materials and equipment; staff shall interact with the children in a responsible manner to assist them in self-discovery.

422.30 Some differentiation of program shall be made for the three year olds whose activities are more limited and different than the more active four and five year olds.

422.40 Periods of active and quiet play shall be alternated to avoid fatigue and overstimulation.

612. Program Equipment and Materials

401.40 Each child is to be assigned her/his own toilet articles, and a change of clothing shall be available. If the program includes naps, each child shall have her/his own individual napping blanket.

412.10 Play equipment of sufficient quantity and variety shall be provided indoors and out which is appropriate to the needs of the children, their developmental levels and interests; such equipment shall be maintained in good repair.

[illegible]12.20 There shall be equipment which encourages large muscle activity (climbing apparatus, swings, wheel toys, tumbling mats, etc.).

412.30 There shall be equipment which encourages quiet activity (sand, clay, crayons, paints, story and picture books, dolls, puzzles, music, etc.).

613. Nap Provision

421.20 Time for rest and relaxation shall be provided for children in attendance for four hours or more.

614. Discipline and Guidance

424.10 Discipline shall meet the needs of each individual child.

424.20 Authority to punish shall not be delegated to older children.

424.30 A child shall not be deprived of snacks or meals as punishment.

424.40 No child shall be subject to verbal abuse or threats. Cruel, severe, unusual or unnecessary punishment shall not be inflicted upon children. Derogatory remarks shall not be made in the presence of children, about family members of children in care, or about the children themselves; and

424.41 Reports of mistreatment coming to the attention of the Department of Social and Rehabilitative Services will be investigated and, when appropriate, referred to the proper authorities.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

423.70 Provisions shall be made for the development of good health habits, eating habits, personal habits and proper social and behavioral attitudes. Face and hands shall be thoroughly washed before meals. Hands shall be washed after toileting.

423.80 The use of tobacco, in any form, is prohibited during those hours of the day when the children are present, except in a "staff room" especially set aside for staff rest periods.

712. Health Assessments

See 341. Children

713. Immunizations

341. Children

714. Sanitation

Not specified

715. Daily Illness Screening

Not specified

716. Care of Sick Children

423.30 An ill or injured child shall receive immediate attention of the staff.

423.31 An ill or injured child's parent shall be notified of the child's illness or injury; the child shall be moved only with the permission of the parent or by direction of a physician; and.

423.32 An ill or injured child (if allowed) shall be isolated in a separate room, under supervision. Clear plans shall be made for the earliest possible return of the child to the parent.

717. Medication and Special Diet Provisions

423.40 Medication or special diet shall be given to the child only on written request of the parent, guardian or physician.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

311.20 The kindergarten or nursery school shall meet the state Life-Safety and Environmental Sanitation requirements.

411.40 Drugs, poisons, harmful chemicals, household supplies and recreational equipment other than that used by the children, dangerous tools and weapons shall be locked out of sight or, otherwise, inaccessible to the children.

722. Fire Safety Requirements

Not specified

723. Transportation

414.10 Transportation may be provided for children either as part of the program or for pickup and delivery when the following conditions are met.

414.11 No more than five children shall be carried in a standard passenger car without the presence of a second adult.

414.12 The vehicle shall be properly inspected by an official Vermont Inspection Station.

414.13 All installed safety equipment appropriate to the sizes and ages of the children shall be utilized.

414.14 Car-beds, car-seats, child-harnesses, lap-seat-belts, and shoulder-belts shall meet federal safety standards.

414.15 There shall be no standing passengers.

414.16 The operator of the vehicle shall hold a State of Vermont regular operator's license.

414.17 Automobile insurance with special passenger-carrying permit at limits of bodily injury liability of not less than $50,000/$100,000 and property damage liability of $10,000 shall be carried.

414.18 Seats shall be securely fastened to the floor of the vehicle; and

414.19 Children shall not be transported in truck bodies.

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

411.30 There shall be plans for the protection or evacuation of children in event of a natural disaster or other emergency; and

411.31 There shall be a responsible adult available or on call for emergencies. This person's name, telephone number, and signed statement of availability shall be on record.

727. First Aid Supplies

423.20 Adequate first-aid supplies shall be maintained for emergency medical care of a child who may become injured or ill.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

423.50 Adequate and nutritious snacks shall be provided when a child's stay at the Kindergarten or Nursery School exceeds two hours; a lunch period is required if the program exceeds four hours.

423.60 All food shall be wholesome, well prepared, and the diet shall be carefully planned, and shall include at least one pint of milk a day for each child who attends over four hours.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

403.10 The director and/or staff shall meet with parents at least three times per year.

403.20 Arrangements for the child's return to the parent shall not include third parties or other child care facilities unless written agreement between the day care facility and the parent is on file with the director.

403.30 A system of positive identification of children and parents shall exist in the day care facility.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

333

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

411.10 The Kindergarten or Nursery School shall provide a pleasant and cheerful environment for children. Furnishings shall be appropriate for the size and activities of the children.

411.50 There shall be provision for a safe outdoor play area which provides a minimum of 75 square feet of space per child. The play area shall be protected from traffic or other hazards in a manner safe for children.

411.60 There shall be indoor space of at least 35 square feet per child. This space shall not include toilet facilities, food storage or preparation area, office or isolation room.

411.80 The kindergarten or nursery school shall be used only for purposes of day care during its hours of operation.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

All citations in Sections 100 and 200 are to the Virgin Islands Code Annotated title 34, Chapter 13, 1980. All other citations are to the Virgin Islands Department of Social Welfare, Sections 401.4 and 401.5, Standards for Day Care Centers and Family Day Care Homes, 1966.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

§382 Definitions.
"Day Care Center" means a child day care facility which provides care for more than 12 children between 2 and 14 years of age for less than 24 hours a day, whether known under some other descriptive name such as "nursery," "preschool," "prekindergarten," "after-school center," "drop-in center," or "child development center," and whether or not the facility is operated for profit.

"Group day care home" means a child day care facility which provides care for 7 to 12 children under 14 years of age for less than 24 hours a day, and whether or not the facility is operated for profit.

112. Exclusions and Exemptions

§383 Required License.
No person may operate a child day care facility for three or more unrelated children unless he holds a valid license issued by the Department of Social Welfare.

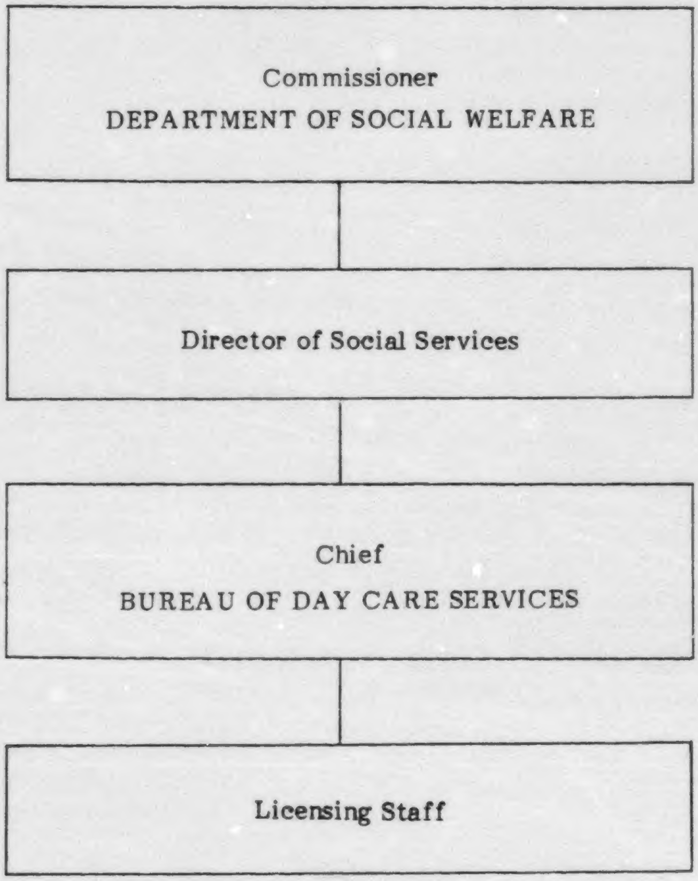
§391 Certification.
Child care facilities operated by the Territory are exempt from the licensing requirements of this Chapter, but Territory-operated facilities must receive certification of approval from the Department.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Commissioner
DEPARTMENT OF SOCIAL WELFARE
Director of Social Services
Chief
BUREAU OF DAY CARE SERVICES
Licensing Staff

All licenses are issued and revoked at the territorial level, and the day to day monitoring functions are carried out under the direct supervision of the territorial office.

122. Responsible Official

All inquiries should be addressed to:

Chief Bureau of Day Care Services
Department of Social Welfare
P.O. Box 539
Charlotte Amalie
St. Thomas, Virginia Islands 00801
(809) 774-0930

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

S384 Rules, Regulations and Standards.
The Department shall promulgate reasonable rules and regulations to carry out the provisions of this Chapter.

The Department shall promulgate minimum standards for child day care facilities covered by this Chapter which will:

promote the health, safety and welfare of children attending any facility;
promote safe, comfortable and healthy physical facilities for children;
insure adequate supervision of the children by capable, qualified and healthy personnel of sufficient number;

insure adequate and healthy food service;

insure an adequate program of activities and services to enhance the development of each child;

prohibit racial discrimination by child care facilities; and

include procedures by which parents and guardians are given opportunity for consultation in formulation of the children's educational and therapeutic programs.

The Department shall promulgate standard forms for applications and inspection reports.

The Department shall promulgate a standard procedure for receiving and recording complaints and a standard form for complaints.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

§388 Issuance of License.

A person desiring to operate a child day care facility shall apply in writing to the Department for a license.

The Department shall supply the applicant with the appropriate application forms and a copy of the appropriate minimum standards.

On receipt of the application, the Department shall conduct an investigation of the applicant and the plan of care for children.

The Department shall complete its investigation and render a decision on the application within ninety days after receipt of the application.

If the Department determines that the facility has reasonably satisfied all requirements, it shall issue a license.

In issuing a license, the Department may impose restrictions on the facility, including, but not limited to, the number of children to be served and the ages of children to be served.

A license applies only to the location stated on the application and license issued and is not transferable from one person to another or from one place to another. If the location of the facility is changed or the owner of the facility is changed, the license shall be automatically revoked.

The licensee must display the license in a prominent place at the facility.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

§388 Issuance of License.
Not later than thirty days prior to expiration of its license, a facility may apply for a renewal of its license in accordance with the provisions of this Chapter and the rules and regulations promulgated by the Department. The application must be completed and acted on prior to the expiration of a license. Evaluation to determine if the applying facility meets all requirements must include a specified number of visits to the facility and review of all required forms and records.

§390 Annual License.

An annual license will be issued if the Department determines that the facility meets all requirements on a continuing basis. The evaluation shall be based on a specified number of visits to the facility and a review of all required forms and records.

An annual license shall be valid for one year.

225. Conditional/Provisional Licenses

§389 Provisional License.

The Department may issue a provisional license to a facility whose plans meet the Department requirements but which is (1) not currently operating, or (2) changing ownership.

A provisional license is valid for six months from the date of issuance and is non-renewable.

226. Substantial Compliance

§388 Issuance of License.

A variance of an individual standard set forth in the standards may be granted for good and just cause by the Department.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

§385 Inspection.

An authorized representative of the Department may visit a child day care facility during the hours of operation for purpose of investigation, inspecting and evaluation.

The Department shall inspect all facilities licensed or certified by the Department at least twice a year and may inspect other facilities as necessary. At least one of the yearly visits must be unannounced and all may be unannounced.

An investigation visit must be made if a complaint is received by the Department. The Department representative must notify the director or authorized representative of the facility being investigated that a complaint is being investigated. The result of the investigation must be reported in writing to the director.

The Department may call on governmental agencies for appropriate assistance within their authorized fields.

232. Denial, Suspension, Revocation of a License

§392 Suspension.

If a facility has temporarily suspended operations but has definite plans for renewing operations within the time limits of the issued license, the Department may suspend the license.

If the Department finds repeated non-compliance with standards that do not endanger the health or safety of the children the Department has the option of suspending the license for a definite period of time instead of denying or revoking the license.

If a facility does not comply with standards after the suspension, the Department must deny or revoke its license.

§393 Denial or Revocation.

If the Department finds that a facility does not comply with the provisions of this Chapter, the Department standards, Department rules and regulations, or the specific terms of a license or certification, it must deny or revoke the license or certification of approval.

§394 Closure of a Facility.

If the Department finds any violation of this Chapter or the Department's minimum standards or rules and regulations by a facility other than a Territory-operated facility that places the children in the facility in immediate peril, it may close the facility and place the children attending the facility in another facility.

A Department representative finding conditions that place children in a facility in peril shall immediately request the Commissioner of Social Welfare to immediately inspect the facility for verification of the conditions.

If the Department finds any violation of this Chapter or the Department's minimum standards or rules and regulations by a Territory-operated facility that threatens serious harm to the children in the facility, the Department shall immediately report the finding to the Governor.

Closure under this Section is an emergency measure. After closing a facility, the Department must seek an injunction against continued operation of the facility.

233. Remedies and Sanctions

233.1 Hearings

§393 Denial or Revocation.

If the Department denies, or revokes a license, the Department must notify the person operating or proposing to operate the facility of the reasons for the denial or revocation and the person's right of appeal within 20 days of receipt of the Department's notification.

If the person wishes to appeal, he must notify the Department by certified mail within 20 days and must state in the notification the reasons against denial or revocation.

The Board of Social Welfare shall hear the appeal within four weeks, shall render its decision within one week after the hearing, and shall notify by certified mail the person of its decision.

Within 20 days after receipt of the Board of Social Welfare's decision, the person whose license has been denied or revoked may challenge the decision in a suit filed in the Territorial Court of the Virgin Islands.

On request by a person challenging a Department decision in a court suit, the Department shall supply him with a copy of the verbatim transcript of the Board of Social Welfare hearing at his expense.

233.2 Decisions

See 233.1. Hearings

233.3 Judicial Review

§395 Injunctive Relief.

Whenever it appears that a person has violated or is violating or threatening to violate any provision of this Chapter or of any rule, regulation, or standard of the Department, the Department may cause a civil suit to be instituted in the Territorial Court of the Virgin Islands for injunctive relief, including temporary restraining orders, to restrain the person from continuing the violation or threat of violation, or for the assessment and recovery of a civil penalty of not more than $1,000 for each day of violation and for each act of violation, as the court may deem proper, or for both injunctive relief and civil penalties.

§397 Criminal Penalty.
A person operating a child day care facility without a license or placing a public advertisement for an unlicensed facility is guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000 and imprisonment not to exceed three months, or both.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

k Records and Reports.
The Center must maintain records on forms prescribed and provided by the Department.

Representatives of the Department shall have access to all records and reports. The confidential nature of these records and reports shall be maintained. Required records include:

> Financial Records and Reports -- Appropriate and adequate financial records shall be maintained. The Department shall review these records at stated intervals.
>
> Statistical Reports -- The center shall submit a monthly report to the Department which will include the total daily attendance and fees collected.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

345

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

k Records and Reports - Child's Record.

This record shall include the following minimum information: Name, birthdate and birthplace, name of parents, their home and business addresses and telephones; information on the child and his habits which will be helpful to the operator in providing individualized, understanding care; legal guardian, if other than parents, with name, address and telephone; dates of admission and discharge; a current medical certificate from a licensed physician; name, address and the telephone number of a responsible person to contact in an emergency, if parents cannot be located promptly by phone; a report of the child's adjustment and progress; Day Care Agreement; and other reports required by the Department.

342. Staff

k Records and Reports - Personnel Records and Reports.
A personnel record must be kept on each staff member and shall include a record of the individual's training, experience, medical certificates, references where indicated, and other pertinent information.

343. Child Eligibility and Enrollment Requirements

g Admission.
Close cooperation between parent, caseworker and operator is recommended to help the child accept separation from the parent and make the child's adjustment easier. One or more visits by the child and his parent must be necessary before the child is fully admitted to the program.

No child under 22 months of age and preferably not under two years of age must be admitted to a day care center.

The application for admission must contain identifying information about the child and his parents.

Arrangements should be made for the child and his parent(s) to visit the center before admission in order for him/her to become familiar with the activities and new surroundings.

Before a child is admitted, the parent must clearly understand the hours of operation including time to leave the child, and time to pick him up, amount to be paid for care of the child, and time of payment.

The parent must present the operator a medical statement signed by a licensed physician certifying that the child is free from communicable and contagious diseases.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

d Child-Staff Ratio.
A minimum of two staff members are required for every group of 10 children. One of the two may be a service staff person, but a full time assistant is recommended.

The required child-staff ratio must be a minimum of 2 staff members for a group of 10-15 children; a minimum of 3 staff members for a group of 16-25 children. A group should not be larger than 25 children.

412. Methods of Computing Staff/Child Ratios

e Children of Operators and Staff Members.
Children of the operator and of staff members, who attend the center, or are on the premises for supervision and care, shall be included in the count of the number of children under care.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 412. Methods of Computing Staff/Child Ratio

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

b Staff.
The operator should be physically and mentally well and over 21 years of age.

512. Health

b Staff.
All paid and volunteer staff members must secure a Food Handler's Certificate which will be renewed in accordance with the regulations of the Department of Health.

513. Education

b Staff.
Operator may be a teacher, nurse, or a person who has completed at least the twelth grade and has had experience in raising or training children. Ideally, the operator should have training and experiences in early childhood education.

514. Experience

b Staff.
All members of the staff shall be persons of good character, interested in children, and mentally and physically able to undertake the responsibility of providing for proper care, training and development of children through adequate group care programs designed for this purpose.

The following staff traits are most essential; interest in and capacity for enjoying children; capacity to discern the feelings and needs of a child, and deal with them sympathetically; ability to deal in a nonpunitive but firm manner, with out-of-bounds behavior; respect for mental, and physical differences of children and parents; ability to accept violently expressed feelings without being unduly upset; resourcefulness; dependability and consistency; flexibility and willingness to learn; capacity for pleasant and cooperative relationships with other adults.

The operator must be a mature, warm person and her suitability must be attested to by satisfactory references and neighborhood reputation.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

c Other Staff.
Personal qualifications of each staff member are of primary importance because of the influence the person with whom he spends long hours each day has on the child's develpment and growth.

All staff shall be under the supervision of the operator and must have the following personal qualities. An interest in and a capacity for enjoying children, the ability to discern the needs and feelings of children, dependability, consistency and good judgment in handling emergency situations promptly and intelligently.

All persons preparing and serving meals shall handle the food in a sanitary manner, shall wash hands thoroughly with water and soap and use all other approved sanitary measures.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

f Program.

The daily program should provide a variety of enriching experiences for a child, and should be provided through planned physical activity and creative play that allows for both group and individual activity.

The program should include periods of active and quiet play to avoid over stimulation and/or fatigue. A regular daily schedule should be followed to permit the children to achieve a feeling of security. There should be sufficient time for each activity to avoid a hurried or tense atmosphere.

Facilities for indoor and outdoor play should exist. Creative experiences must be provided by use of art, music, books, stories, blocks and dramatic play. Equipment must be arranged so that small groups of children can move from one activity to another according to their interest. Materials on shelves must be within children's reach.

In all facilities activities must be provided to meet the interest and capacity of each age group.

612. Program Equipment and Materials

i Equipment.

Furnishings should be appropriate to the age, size and activities of the children in the group. Equipment should be arranged so that it is accessible to the children and can be moved easily and safely.

Playground equipment suitable to the needs of children should be utilized and the entire playground must be supervised.

Equipment must be of appropriate size and height for children's comfort and reach.

Provision must be made to keep each child's clothes separate from those of other children. Individual cubbies or lockers are recommended.

Each center should have enough toys and play apparatus to take care of the needs of the total group and provide each child with a variety of things to do throughout the day.

613. Nap Provision

f Program.
A rest period of at least one hour must be provided and individual cots, beds or pads must be available for use. Each child shall remove his shoes during the rest period.

614. Discipline and Guidance

f Program.
Child training and discipline should be handled with kindness and understanding. Corporal punishment or any other act which produces in children a feeling of humiliation, fright or shame must not be used. Punishment shall not be associated with food, rest, or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

f Program.
Wet or soiled clothing must be changed immediately.

Face and hands must be washed before and after meals. Hands must be washed after toileting.

Routines associated with good physical care should be utilized to help the child take responsibility for his bodily needs.

h Physical Plant and Equipment.
Each child shall have his own towel and washcloth hung in an individual easily accessible place. Paper towels may be substituted.

712. Health Assessments

j Health.
Each child must have a physical examination including lab work before he is accepted for care. This is kept on file and renewed annually.

713. Immunizations

j Health.
Immunizations must begin prior to admission and must be completed within six months after admission. Exceptions are permitted only for medical reasons.

714. Sanitation

h Physical Plant and Equipment.
The center must have running water and modern bathroom facilities. The water supply should be certified or purified if certification is not met.

715. Daily Illness Screening

j Health.
There must be a daily health inspection by a person capable of recognizing common signs of communicable disease or other evidence of ill health. Sick children must not be admitted to group care. If a child becomes ill during the day, he must be isolated promptly from the other children until arrangements can be made for his care elsewhere.

When a child is absent for five days or more because of illness, a written statement by a duly licensed physician should be provided before his return, which indicates that he is ready to return to the group.

716. Care of Sick Children

h Physical Plant and Equipment.
Provision should be made for the isolation of children who become ill.

717. Medication and Special Diet Provisions

j Health.
Medication must not be given to a child unless prescribed by a licensed physician and requested in writing by a parent.

718. Waiver of Health Requirements
See 713. Immunizations

720. SAFETY

721. General Safety Requirements
Not specified

722. Fire Safety Requirements
Not specified

723. Transportation
Not specified

724. Safety Requirements for Equipment
Not specified

725. Water Activities (Including Swimming)
Not specified

726. Emergency Procedures
Not specified

727. First Aid Supplies

j Health.

Every possible precaution must be taken to prevent accidents and adequate first aid supplies must be maintained.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

f Program.

Food provided in a full day program should provide at least 1/3 of the child's daily food needs and must include a morning snack, a hot lunch, and an afternoon snack for all children. The meals should be well balanced and include one pint of milk per child at least once during the day. Food should be attractively served in an informal and pleasant atmosphere.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

f Program.

Menus shall be submitted periodically upon request by the Department. The food programs shall be reviewed by a qualified nutritionist.

Children should be seated at low tables with comfortable chairs at meal times. A few children at several tables is preferred as this minimizes meal time distractions.

h Physical Plant and Equipment.

The kitchen must be separate from the play space.

There must be provision for refrigeration and storage of food.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

h Physical Plant and Equipment.

New building plans or plans to remodel an existing building must be submitted to the Department for review and approval. There must be at least 25 square feet per child of indoor play space. A large outdoor play area, easily accessible to building and adequately fenced should be provided. Public playground facilities may be used if in the neighborhood of the center.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

h Physical Plant and Equipment.

The building must comply with the local building code and fire and santitation laws.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

h Physical Plant and Equipment.

The physical plant must meet requirements for health and safety, and facilitate the carrying out of the program.

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

See 1410. SPACE

Except where otherwise noted, all citations are from the Virginia Department of Welfare, Minimum Standards for Licensed Child Care Centers, July, 1976.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

VA. CODE §63.1-195 Definitions.
As used in this chapter: "Child-care center" means any facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardian during a part of the day ... .

112. Exclusions and Exemptions

VA. CODE §63.1-195 Definitions.
As used in this chapter: "Child-care center" means any facility operated for the purpose of providing care, ... only except (1) a facility required to be licensed as a summer camp under VA. CODE §35-43 through 35-53; (2) a public school or a private school unless the Commissioner determines that such private school is operating a child-care center outside the scope of regular classes; (3) a school operated primarily for the educational instruction of children from two to five years of age at which children two through four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day; (4) a facility in excess of six and one-half hours per day; (4) a facility which provides child care on an hourly basis which is contracted for by a parent

occasionally only; (5) a facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital's employees, while such employees are engaged in performing work for the hospital; and (6) a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; ... .

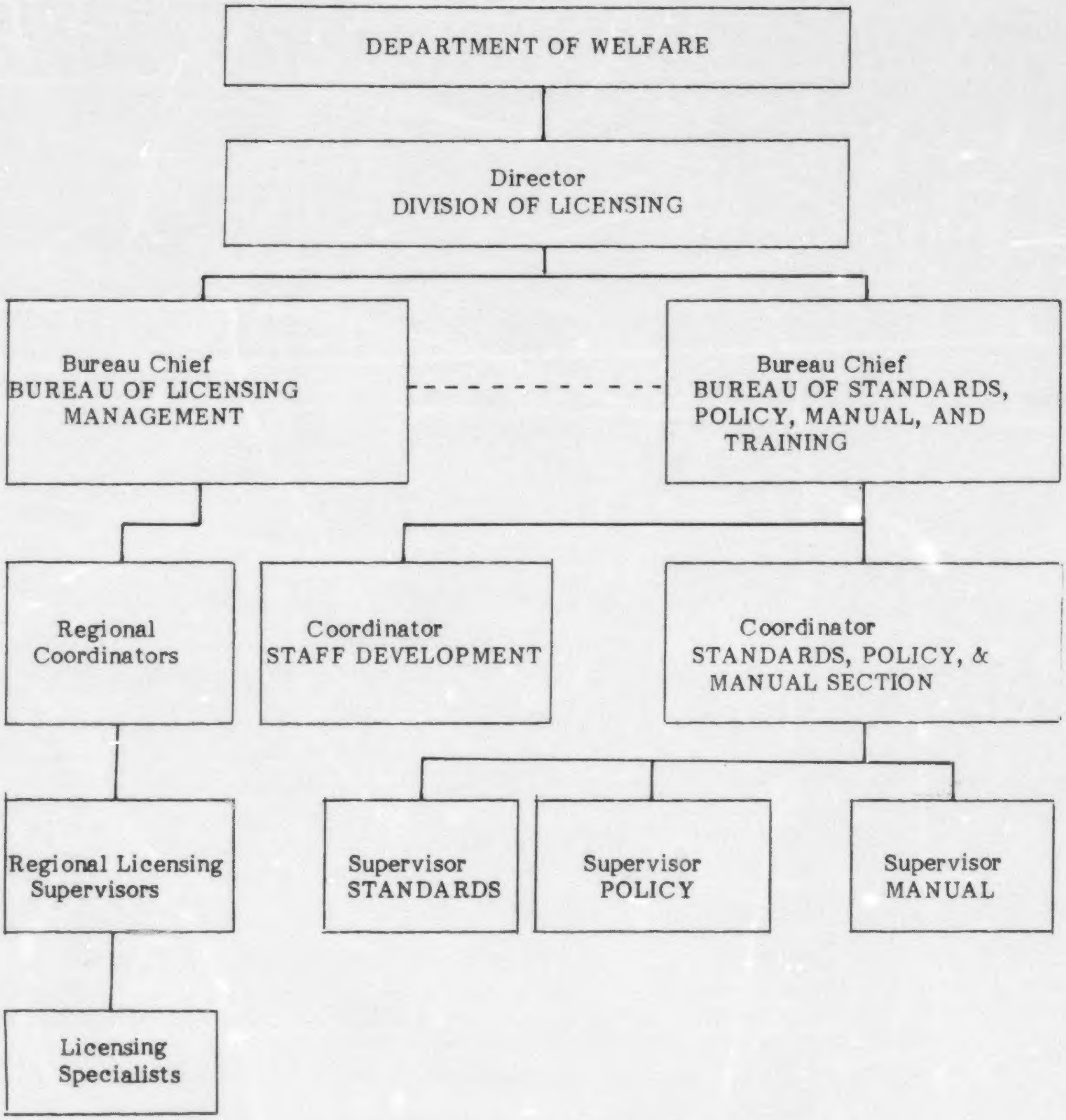
113. HHS Day Care Compliance

Appendix - Federal Interagency Day Care Requirements.
Compliance with Federal Interagency Day Care Requirements is not required as a condition for licensure but relates only to Federal funding.

> Those centers wishing to qualify for federal funds through payments for child care from local departments of public welfare shall meet in addition to Licensing Standards, the Federal Intergency Day Care Requirements.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DEPARTMENT OF WELFARE
Director DIVISION OF LICENSING
Bureau Chief BUREAU OF LICENSING MANAGEMENT
Bureau Chief BUREAU OF STANDARDS, POLICY, MANUAL, AND TRAINING
Regional Coordinators
Coordinator STAFF DEVELOPMENT
Coordinator STANDARDS, POLICY, & MANUAL SECTION
Regional Licensing Supervisors
Supervisor STANDARDS
Supervisor POLICY
Supervisor MANUAL
Licensing Specialists

Licensing staff work under regional supervision with monitoring and technical assistance from the state/central office. Licenses are issued at the regional level but are denied and revoked at the state/central office level.

122. Responsible Official

All inquiries should be addressed to:

Director, Division of Licensing
Department of Welfare
8007 Discovery Drive
Richmond, Virginia 23229
(804) 281-9025

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

VA. CODE §63.1-202 State Board to Prescribe Standards.
The State Board shall prescribe general standards and policies for the activities, services and facilities to be employed by persons and agencies required to be licensed under this chapter, which standards shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies.

Such standards may include, but need not be limited to, matters relating to the sex, age, and number of children and other persons to be maintained, cared for, or placed out, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities services and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof.

212. Advisory Body and Other Community Participation

See 211. Promulgation of Regulations

220. LICENSING PROCEDURE

221. Application and Issuance

See 223. Areas of Investigation

222. Fee Charged

II Licensing Procedures - Original License - Fee.
There is no fee for a State license.

223. Areas of Investigation

II Licensing Procedures - Original License - Study of Application.
Following receipt of the application and materials requested ... , a representative of the Department will make a study of the proposed services and facilities of the applicant. The Department will request an inspection and report as to sanitary conditions from the local health department. Where applicable, the Department will request inspections and report as to fire safety from State and local fire officials.

VA. CODE §63.1-198 Investigation on Receipt of Application.
Upon receipt of the application the Commissioner shall cause an investigation to be made of the activities, services and facilities of the applicant, of the applicant's financial responsiblity, and of his character and reputation or, if the applicant be an association, partnership or corporation, the character and reputation of its officers and agents. The applicant shall afford the representatives of the Commissioner required to make the investigation reasonable opportunity to inspect all of the applicant's facilities, books and records, and to interview his or its agents and employees and any child or other person within his or its custody or control.

VA. CODE §63.1-199 Issuance or Refusal of License; Notification.

Upon completion of such investigation, the Commissioner shall issue an appropriate license to the applicant if such applicant has made adequate provision for such activities, services and facilities as are reasonably conducive to the welfare of the children over whom he may have custody or control, if his financial responsibility is such as a to give reasonable assurance of the continued maintenance of such activities, services and facilities, and if he, or the officers and agents of the applicant if it be an association, partnership or corporation, is or are of good character and reputation; otherwise, the license shall be refused. Immediately upon his taking final action, the Commissioner shall notify the applicant of such action.

VA. CODE §63.1-200 Delay in Acting on Application, or in Notification.

In case the Commissioner fails to take final action upon an application for a license within sixty days after the application is made, either by way of issuance or refusal, or fails within such time to notify the applicant thereof, it shall be lawful for the applicant to engage in the operations or activities for which the license is desired, until the Commissioner has taken final action and notified the applicant thereof. Provided, however, that no application shall be deemed made until all the required information is submitted in the form prescribed by the Commissioner.

224. License Renewal

VA. CODE §63.1-196.1 Renewal of License.

Every person issued a license required by VA. CODE §63.1-196 which has not been suspended or revoked shall renew such license annually on or before the anniversary of its issuance.

The activities, services and facilities of each applicant for renewal of his license shall be subject to an inspection or examination by the Commissioner to determine if he is in compliance with current standards of the State Board.

225. Conditional/Provisional Licenses

VA. CODE §63.1-201 Provisional License.
Upon completion of the investigation for renewal of an annual license, the Commissioner may issue a provisional license to any applicant if the applicant is temporarily unable to comply with all of the requirements of this chapter. Such provisional license may be renewed, but the issuance of a provisional license and any renewals thereof shall be for no longer a period than six successive months.

226. Substantial Compliance

II Licensing Procedures - Original License - Allowable Variance.
When, in the opinion of the Department, the enforcement of one or more of the following Standards creates an undue hardship, it shall in its discretion have the authority to waive, either temporarily or permanently, the enforcement of such Standard provided the Department determines that child care is not adversely affected thereby and the Standard is not required specifically by Statute.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

VA. CODE §63.1-210 Inspections and Interviews.
The Commissioner, the State Board, and their agents, shall have the right, at all reasonable times, to inspect all of the facilities, books and records of every child welfare agency, and to interview any agent or employee thereof or any person under its custody, control, direction or supervision. Such agents shall afford the Commissioner, the State Board and their agents every reasonable opportunity and facility for such inspections and interviews.

232. Denial, Suspension, Revocation of a License

VA. CODE §63.1-212 Revocation, etc., of License.
The Commissioner may revoke or deny the renewal of the license of any child welfare agency which violates any provision of this chapter or fails to comply with the limitations and standards set forth in its license.

233. Remedies and Sanctions

233.1 Hearings

VA. CODE §63.1-213 Appeal from Revocation or Denial of License.
Whenever the Commissioner refuses to issue or to renew a license of a child-welfare agency or whenever the Commissioner revokes a license of a child-welfare agency, the provisions of the Administrative Process Act shall apply. Notwithstanding the provisions of the Administrative Process Act, if the license is denied, suspended, or revoked by the Department after opportunity for formal hearing, an appeal to court shall not operate to permit continued operation of the facility during the appeal process. The court to which an appeal is taken may, upon request, stay enforcement of the administrative decision during all or part of the appeal process only if the court finds a) that the health, safety, or welfare of the residents will not be endangered and b) that there is a probable cause to anticipate a likelihood of reversible error in accordance with (the Administrative Process Act). The burden or proof shall be on the Department to show that the health, safety, or welfare of the residents would be endangered if the stay is granted. As a condition of granting such stay, the court shall require that the facility comply with all laws or regulations found to have been violated for so long as the stay is granted and that a bond sufficient to protect the interest of the residents be posted by the applicant or licensee. If a stay is granted, the appeal shall be accelerated to priority on the court's docket and may be heard after ten days' notice to the Director. No stay may be granted upon appeal of the Virginia Supreme Court.

In every appeal to a court of record, the Commissioner shall be named defendant.

An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license.

When issuance or renewal of a license has been refused by the Commissioner, the applicant shall not thereafter for a period of six months apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior applications as to justify considering the new application. When an appeal is taken by the applicant pursuant to the subsection above, the six-month period shall be extended until a final decision has been rendered on appeal.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

VA. CODE §63.1-214 Injunction Against Operation Without License.
Any court of record, having chancery jurisdiction in the county or city where the principal office of any child welfare agency is located shall, at the suit of the Commissioner, have jurisdiction to enjoin the operation of any child welfare agency operated without a license required by this chapter.

VA. CODE §63.1-215 Penalty for Operation Without License.
Any person who operates or engages in the activities of a child welfare agency without first obtaining a license as required by this chapter, or after such license have been revoked or has expired and not been renewed, and each officer and each member of the governing board of any association or corporation which operates a child welfare agency without obtaining such license or after such revocation or expiration shall be guilty of a misdemeanor

and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than twelve months, or by both such fine and imprisonment. Every day's violation of this section shall constitute a separate offense.

VA. CODE §63.1-216 Duty of Attorneys for the Commonwealth.
It shall be the duty of the attorney for the Commonwealth of every county and city to prosecute all violations of this chapter.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

VA. CODE §63.1-203 Records and Reports.
Every licensed child welfare agency shall keep such records and make such reports to the Commissioner as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Commissioner.

III Administration - Operation.
Child care centers may be sponsored by a single individual, a group of individuals, an association, a partnership, or a corporation. An individual(s) sponsoring an unincorporated child care center and officers and agents of associations, partnerships, or corporations shall give adequate evidence of financial responsibility and good character and reputation. This/these person(s) shall define in writing the purpose and scope of the services under which the center is to operate prior to acceptance of children.

Child care centers sponsored by a corporation, religious organization, voluntary association, or agency shall be controlled by a governing board of directors whose responsibilities shall be:

To define in writing the purpose and scope of the services and the policies under which the center will operate prior to the acceptance of children;

To assure that the center functions according to its defined purpose and that the program is conducted in conformity with official regulations and Standards; and

To maintain budgeting and financial systems whereby sound financial status is maintained.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

III Administration - Finances.

The financial position of a child care center shall be sufficient to insure a desirable quality of service and to meet the needs of children in care. A budget estimating the income and expenditures for one year of operation together with a statement of assets and liabilities shall be submitted with the initial application. Where there is a question regarding the financial position of the child care center, a statement of operating expenses and income for the latest preceding fiscal year of the center, together with a statement of current assets and liabilities, may be requested with each application for renewal of the license.

A child care center which receives a portion of its operating cost from public contributions or community organizations shall show what portion of its budget this is and how the remaining costs of operation are to be met.

314. Insurance

III Administration - Finances.

The center shall have public liability insurance for bodily injury with a minimum limit of at least $300,000 each occurrence/$300,000 aggregate in force. A copy of the insurance policy shall be made available to the Commissioner's representative upon request.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

V Personnel.

No person convicted of a crime involving child abuse, child neglect, or moral turpitude shall be a day care facility owner, operator, or employee.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

VII Records - Individual Children.

Each center shall maintain and keep at the center a permanent and separate record for each child. All records shall contain:

Identifying information including name and nickname (if any), sex and birthdate of the child;

Name, home address, and telephone number of parent(s), guardian(s), or agency holding custody;

Place and telephone number of parent's(s) or guardian's(s') employment;

Name and telephone number of family physician;

Name, address, and telephone number of some designated person to call in an emergency if parent(s) or guardian(s) cannot be reached;

Legal guardian(s) of child if custody has been removed from either or both parents;

Names of persons authorized to call for child as well as those not permitted to visit;

Date of admission; and

Date of termination of enrollment.

Written Agreements

There shall be the following written agreements between the parent(s) guardian(s), responsible person(s), or agency holding custody and the child care center at the time of the child's admission:

An agreement authorizing emergency medical care if any emergency occurs when the parent(s), guardian(s), or responsible person(s) cannot be located immediately;

An agreement that the child care center will notify the parent(s), guardian(s), or responsible person(s) when the child becomes ill and that the child will be picked up as soon as possible; and

An agreement authorizing the child care center to allow the child to participate in duly authorized field trips when feasible.

Attendance Record
A daily record of children in attendance shall be maintained and kept at the center.

Medical Record
A written record of IX. B. l.a. (See 712. Health Assessments) shall be kept at the center.

VII Records - Evening and Overnight Care - Written Agreement.
There shall be a written agreement between the parent(s), guardian(s), or responsible person(s) and the child care center authorizing the child care center to allow the child to participate in specific community activities such as, but not limited to Scouts, "Y," church, or to take music lessons.

342. Staff

See 512. Health

343. Child Eligibility and Enrollment Requirements

VI Cooperative Planning With Parents - Prior to Admission of the Child.

Before admission, provision shall be made for a determination of the child's readiness for group experience and the suitability of the group for the particular child. This must include a personal interview with the parent(s) or guardian(s) and an opportunity for the director or staff member assuming this responsibility to see the child.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

VA. CODE §63.1-209 Confidential Records.

The records of all child welfare agencies and representatives of the Commissioner regarding licensing and persons received or placed out by them and the facts learned by them concerning such persons and their parents or relatives, shall be confidential information, provided that the Commissioner, the State Board and their agents shall have access to such information, that it shall be disclosed upon the proper order of any court, and that it may be disclosed to any person having a legitimate interest in the placement of any such person. It shall be unlawful for any officer, agent or employee of any child welfare agency, for the Commissioner, the State Board or their agents or employees, and for any person who has held any such position, and for any other person to whom any such information is disclosed as herein above provided, to disclose, directly or indirectly, any such confidential information, except as herein provided. Every violation of this section shall constitute a misdemeanor and be punishable as such.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

V Personnel - Ratio of Supervisory Staff to Children - Preschool Care.

Due to the long hours of operation of the center and the necessity to stagger the staff hours, the ratio of the total staff computed on a fulltime basis to the total number of children shall not be less than one adult to 10 children.

V Personnel - Evening and Overnight Care - Ratio of Supervisory Staff to Children.

Centers providing evening care shall maintain at least the following ratio of adults to children:

One adult to four children from 1 to 24 months;
One adult to 10 children ages 24 months to 6 years;
One adult to 25 children ages 6 years and older.

Centers providing overnight care shall maintain at least the following ratio of adults to children before the children are in bed and when they awaken in the morning:

One adult to four children from 0 to 24 months;
One adult to 10 children ages 24 months to 6 years;
One adult to 25 children ages 6 years and older.

There shall be at least one adult staff member on duty at all times in each room where children are sleeping.

412. Methods of Computing Staff/Child Ratios

V Personnel - Ratio of Supervisory Staff to Children.

There shall be at least two responsible staff members at the center at all times when children are in attendance. One of these shall be the administrator, program director, assistant program director, or a child care supervisor.

Service personnel shall not be included when considering the ratio of child care staff to the number of children enrolled, except for any time period when they function in this capacity.

The use of volunteers shall be encouraged, provided they are carefully screened and their duties clearly defined.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

V Personnel - General Qualifications for All Staff Supervising and/or Carrying Responsibility for Children.

He/she shall be between the ages of 18 and 70 except any person(s) between the ages of 16 and 18 who shall be allowed to work as aides; and .... .

512. Health

IX Health Standards - Staff.

Each employee and regular volunteer (i.e., assuming staff duties on a scheduled basis) who comes into contact with the children and each staff person responsible for the preparation and serving of food, shall have at the time of employment and annually thereafter, a physical examination, which shall be dated and signed by the examining physician and shall indicate that:

> He/she is in good health and apparently free from communicable disease;
>
> He/she is determined to be free from tuberculosis in accordance with the acceptable methods of the Virginia Department of Health; and

His/her health and emotional status enable him/her to properly protect the health and safety of the children.

Where applicable, a copy of food service worker's card (sometimes called health card) shall be obtained and on file at the center.

In the event of the program director's serious illness or lengthy hospitalization in excess of 10 working days, the Department shall be informed immediately of the illness or hospitalization and the arrangements that have been made for the delegation of responsibility for operation of the child care center in the program director's absence.

513. Education

V Personnel - Qualifications - Child Care Supervisor.

The person employed in this capacity shall have proficiency in verbal and written communications. He/she shall either have:

At least one year of work experience in group child care; or

Had training such as, but not limited to vocational training in child care; or

A C.D.A. Credential; or

A high school diploma (G.E.D. is acceptable); or

Nine semester hours or 13 1/2 quarter hours of college credits.

A child care supervisor shall not be responsible for the direct supervision of more than two aides.

514. Experience

V Personnel - General Qualifications for All Staff Supervising and/or Carrying Responsibility for Children.

He/she shall be of good moral character.

He/she shall be an emotionally stable person with an empathetic understanding of family and children's problems.

Volunteer(s) assuming staff duties on a scheduled basis shall meet the personnel requirements for the position he/she is to assume.

Child Care Supervisor

He/she shall demonstrate an understanding and respect for the individual personalities and needs of children a sensitivity to their feelings and problems; an ability to share in their enthusiasm and their desire to learn, and the skill to provide a challenging environment for experiencing and learning. He/she shall use the kinds of materials, activities, and experiences that encourage exploring, experimenting, and questioning that help children satisfy curiosity, gain mastery, and progress toward higher levels of physical, emotional, and intellectual development.

Aide

An aide may work only under the supervision of a program director, assistant program director, or child care supervisor. The personal qualifications shall be the same as those for a child care supervisor namely, that he/she shall demonstrate an understanding and respect for the individual personalities and needs of children; a sensitivity to their feelings and problems, and an ability to share in their enthusiasm and desire to learn. Each aide applicant shall be carefully screened to insure the meeting of these requisite qualifications.

The person employed in this capacity shall be able to read, write, and be able and willing to benefit from staff training opportunities.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

V Personnel - Qualifications.

Administrator

There shall be one person in charge at the center who shall be responsible for the administration of the center. It is essential that this person be a competent administrator with ability to establish and maintain good staff relationships. This person may also be the program director if he/she meets the requirements in ... below.

Program Director

The program director shall not be responsible for the direct supervision of more than one aide.

The program director shall designate a person to assume the responsibility for implementation of the program in his/her brief absences from the center.

Assistant Program Director

If the program director is at the center no more than four hours a day, or the program director functions as a program director no more than four hours a day, there shall be one designated assistant who shall be responsible for the administration of the program and who is able to assume responsibility in the program director's absence. The assistant shall possess the same educational requirements of program director as specified above.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

V Personnel - Service Personnel.

Service personnel shall be dependable and capable. If they are to be used on a part-time basis as child care staff, they must meet the same educational requirements and personal qualities specified for such positions.

Kitchen Staff

The responsibility for preparation of meals shall be carried specifically by a person employed as a cook or by a person whose responsibility in preparation and serving of food will not interfere with his/her supervision of children.

Maintenance Staff

Adequate maintenance help or janitorial service shall be provided to maintain the building(s) and grounds in a safe and sanitary condition. General cleaning of premises shall be done when children are not present in the area being cleaned.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 542. Child Caregiver Staff

542. Child Caregiver Staff

V Personnel - Staff Training.

The center shall provide staff development opportunities at least annually for all staff working with children through inservice training programs or institutes, workshops, or conferences related to child care. Verification of participation shall be made available to the Commissioner's representative upon request.

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

VIII Program - Arrival at the Child Care Center.

The child shall be greeted upon arrival each day by the same staff member, if possible.

Activities, Planning, Equipment, and Materials.

Activities shall be planned according to age, interest, and capabilities of the child in order to provide him/her opportunities to develop socially, emotionally, mentally, and physically.

There shall be a planned schedule for each day so that the child has the security of knowing or experiencing the sequence of activities. Routines such as, but not limited to snacks, meals, nap, sleep, or play shall occur daily at approximately the same time. Within the schedule there shall be flexibility to allow for individual differences and permit relaxed, unhurried movement from one activity to another.

Television, if used at all, shall be used with discretion and selectivity. Visual protection is essential. Any time spent viewing television shall be regulated.

Self-help and independence shall be fostered in accordance with the age of the child.

All play materials shall be safe, clean, and durable and selected for suitability according to the ages and stages of development of children in care. Worn equipment shall be replaced or repaired.

The center shall either develop its own library or establish liaison with public libraries so that books dealing with general and special interest subjects are readily available to the children in the center.

Preschool Care - Activities, Planning, Equipment, and Materials.
The staff shall encourage children to engage in motor and creative activities rather than activities such as television watching, coloring of predrawn patterns, tracing, copying, and mere assembling of components.

In suitable weather, whenever possible, there shall be at least two hours daily of outdoor play divided between morning and afternoon.

612. Program Equipment and Materials

VII Program - Preschool Care - Activities, Planning, Equipment, and Materials.
Indoor and/or outdoor experiences, available daily for preschool children, shall include, but not be limited to creative art, rhythm and music, books and stories, discussion, natural science, block building, home living, manipulative toys and games, water play, climbing, riding, and sand and digging.

VIII Program - Evening and Overnight Care - Activities, Planning, Equipment, and Materials.

Play and recreational material shall be selected to encourage quiet, rather than active movement, prior to bedtime in order to provide an orderly transition from play to sleep.

There shall be a place suitable for and conducive to school age children's doing homework prior to bedtime.

613. Nap Provision

IV Physical Plant - Sleeping Facilities.
There shall be a minimum allowance of 200 cubic feet of air space per child.

A separate crib, cot, or bed, according to the age of the child, shall be assigned to each child who is regularly in attendance at nap time or bedtime.

Cribs, cots beds shall be marked or identified in some way for use by a specific child.

Cribs, cots, and beds shall be kept in a sanitary condition.

Double decker cribs or double decker cots shall not be used.

Mattresses shall be covered with a waterproof material which can be easily sanitized such as, but not limited to vinyl or a non-film type polyethylene material. Mattresses and/or mattress covers shall be covered by an undersheet.

Cribs, cots, and beds shall be at least 2 1/2 feet from hot radiators.

Sheets shall be provided and sufficient in number to allow at least one change a week. There shall be at least one sheet and one blanket per crib, cot, or bed provided to assure adequate warmth.

Sheets and other bedcovering shall be assigned for a child's individual use and shall not be used by another child without first being properly laundered.

Pillows shall not be used by children younger than 6 years. When pillows are permitted, they shall be assigned for individual use and shall be kept clean. Pillow cases shall be changed at least once a week, and a pillow shall not be used by another child unless the pillow case is changed and replaced by a clean one.

Preschool Care

The rest period shall be at least one hour. For the 2-year old children, it shall be longer according to individual needs. An attendant shall be on duty in each area while the children rest and the area(s) shall be properly ventilated.

IV Physical Plant - Evening and Overnight Care - Sleeping Facilities.

Sleeping area(s) shall be provided for children who are in evening care separate from children in overnight care to prevent the departure of children in evening care from disturbing the sleep of children in overnight care.

Children under the age of 24 months shall be provided sleeping area(s) separate from those of children over 24 months.

Children older than 9 years of age shall be provided separate sleeping area(s) according to sex.

There shall be 36 inches of space between sides and ends of cribs and/or beds except where they touch the wall.

Schedules for admitting children into overnight care and for discharging them after a period of such care shall be arranged so that no child is deprived of necessary sleep.

Sleeping garments shall be clean and comfortable and plainly marked for individual use.

614. Discipline and Guidance

VIII Program - Activities, Planning, Equipment, and Materials.

Disciplinary practices shall be according to the following requirements:

Limits or rules shall be few and they shall be understandable to the children to whom they apply;

Staff shall agree on acceptable and unacceptable behavior and on limits set;

Expected behavior shall be on the child's level;

Discipline shall be consistent and fair with no unreasonable physical punishment or abuse;

Punishment shall not be associated with food, naps, and bathroom procedures;

Techniques of punishment shall not be humiliating shaming, or frightening to the child;

Punishment shall be related to the misbehavior and administered immediately by the staff member primarily responsible for the child;

No verbal abuse, threats, or derogatory remarks about the child or his/her family shall be used; and

A kind, firm voice shall be used.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

IX Health Standards - Children - Medical Certificate and Immunizations.
Within 30 days before or after admission and annually thereafter, each child shall have a physician's examination by a physician licensed to practice medicine, using State Health Department's prescribed screening examination. (Health Department has screening examination Form MCH#213 which includes a space for certification of immunizations. The form is available to all centers and/or physicians.)

With respect to the common childhood diseases, such as measles, mumps, chicken pox, etc., the recommendation for exclusion from the center, as contained in the current edition of the Communicable Disease Chart, obtainable from the Department and/or the State Health Department, shall be posted in the child care center and followed.

713. Immunizations

IX Health Standards - Children - Medical Certificate and Immunizations.
The report of the physician's examination shall indicate that the child has had immunizations in accordance with the Code of Virginia as listed in the Preschool Entrance Health Examination Brochure. It shall also indicate any chronic conditions or defects that are present, any recommended treatment, and any recommended diet.

714. Sanitation

Not specified

715. Daily Illness Screening

IX Health Standards - Children - Daily Inspection.

Health inspections shall be made daily prior to admittance.

Designated staff shall obtain consultation at least annually from a licensed practicing medical doctor, registered nurse, or health department medical personnel to obtain instruction in screening children.

716. Care of Sick Children

IX Health Standards - Children.

No child who appears ill shall be admitted to the center.

Illness and Accidents

Any child showing signs of illness shall be isolated until he/she leaves the child care center. A staff member shall be available to comfort and observe him/her periodically.

717. Medication and Special Diet Provisions

IX Health Standards - Children - Agreements with Parents.

Nonprescription drugs, including but not limited to vitamins and aspirin, may be given to a child only with the parent(s') or guardian's(s') written consent. Prescribed drugs shall be given to a child only in accordance with a signed doctor's order or authentic prescription label and with the parent's(s') or guardian's(s') written consent. A copy of such written permission shall be filed in the child's record.

Medication shall be identified, carefully labeled with the child's name, kept out of the reach of other children, and be returned to parents when no longer needed.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

IV Physical Plant - Buildings.

No child care center shall be located where conditions exist that would be hazardous to the physical or moral welfare of the children.

Walls, floors, and/or carpeting shall be finished so as to be readily washable. Floors shall be clean and free from splinters or broken tiles.

Stairways used by the children shall be equipped with handrails within their reach. Stairs shall be well maintained and completely clear for easy passage.

Appropriate safeguards such as, but not limited to screens, gates, and handrails shall be installed at hazardous windows, doors, stair ways, and openings such as walks and cellars and shall be acceptable to existing fire and building codes.

722. Fire Safety Requirements

See 1520. FIRE

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

IV Physical Plant - Outdoors.

Swimming pools, if provided, shall be enclosed with safety fences and shall conform to local health and safety regulations. All newly constructed, renovated, or remodeled pools or those having major alterations shall conform to State Health Regulations in accordance with Section 35-161.1 of the Code of Virginia.

Written safety rules shall be formulated.

The center shall have on file a written, signed permission from parent(s) or guardian(s) for all children participating in swimming or wading activities.

If the pool is less than three feet in depth, there shall be continuous supervision by a minimum of two staff persons while the pool is in use.

Wading area(s) shall be filled with clean water for each day's use.

If the pool exceeds three feet of water in depth, a water instructor or Senior Life Saver certified by such organizations as, but not limited to the Red Cross, college, or community college shall be on duty at all times the pool is in use. Also there shall be the required staff/child ratio supervision for the particular age group.

726. Emergency Procedures

IV Physical Plant - Fire Safety.

Emergency evacuation procedures shall be posted and shall be implemented through monthly practice drills.

IX Health Standards - Children.

The phone number of a doctor or hospital shall be posted in a conspicuous place for use in case of serious accident or illness. The phone number of an ambulance or rescue squad service, the fire department, and the police shall be posted. The parent(s) or guardian(s) of the child shall be notified as soon as possible of any accident or illness.

An optional plan of accident and/or school insurance shall be made available for parents.

Equipment and Resources

If there is not access to emergency ambulance service or if there is not a registered nurse, a licensed practical nurse or certified nurses' aide on duty, there shall be at least one staff member on duty at all times who has a current Red Cross, Community College, college, volunteer rescue squad, or hospital first aid certificate.

Public Health nurses shall be used as resource persons when needed and available.

Full use shall be made of the health education literature provided by State and local health departments.

727. First Aid Supplies

IX Health Standards - Children - Equipment and Resources.

A first aid kit shall be provided and kept in an accessible place to adults but out of the reach of children. First aid instructional manual, a State Health Department Flip Chart of Suggestions For Temporary Care of Emergencies in Schools, and civil defense information shall be kept with the first aid kit at all times. A chart giving information on communicable diseases shall be displayed where the first aid kit is kept. (Chart may be obtained from the Department or the local health department.)

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

VIII Program - Preschool Care - Meals and Snacks.

No food may be brought from home except in the case of special diets prescribed by a physician or in the case of religious requirements. Previous arrangements shall have been made with the administrator.

A morning snack, a mid-day meal, and an afternoon snack shall be served to children within this age group.

The main meal and snacks of the day served at the center, shall be attractive in appearance, shall provide 1/3-2/3 of the child's daily food needs,

Children shall be served small-size portions and to permitted to have an additional serving or servings.

Snacks shall be selected and planned to furnish the nutritional needs of the child as specified above. Portions served shall be small in amount and served not less than 1 1/2 hours prior to the meal.

VIII Program - Evening and Overnight Care - Meals and Snacks.
No food may be brought from home except in the case of special diets prescribed by a physician or in the case of religious requirements. Previous arrangements shall have been made with the administrator.

An evening meal shall be served to those children who have not eaten supper before they are admitted to the center for evening or overnight care.

The meal shall be attractive in appearance, and shall provide at least 1/3 of the child's daily food needs. The meal shall consist of those foods required in the preceding sections of these Standards for children between certain age ranges.

A bedtime snack consisting of fruit or fruit juice or milk and crackers shall be available to those children who want it.

Breakfast shall be served and shall provide at least 1/3 of the child's daily needs.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

VIII Program - Meals and Snacks.
Meals shall be planned to provide the opportunity for a child to learn to eat and enjoy a variety of nutritious foods.

Special diets for individual children shall be provided as prescribed by a physician.

If a catering service is used, it shall meet requirements and/or recommendations of the local health department, and a copy of the current contract shall be made available to the Commissioner's representative upon request.

Menus shall be dated and posted.

Food and nutritional needs of the child shall meet dietary allowances established by a recognized authority such as, but not limited to the Food and Nutrition Board of the National Academy of Sciences-National Research Council, the United States Department of Health, Education, and Welfare, Public Health Service, The Virginia Department of Health. The Virginia Polytechnic Institute Extension and/or attending physician's orders.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

VI Cooperative Planning with Parents - During Enrollment of Child.
Communication by the child care center with the parent(s) or guardian(s) of the child(ren) shall be provided on a regularly planned basis. Evaluations to determine the effectiveness oi service and the needs of the child and his family shall be made continuously by staff.

VIII Program - Evening and Overnight Care - Discharge and After Care.

At any time when it is evident that the parent(s) or guardian(s) or child is unable to make use of the service, the director shall try to help the parent(s) or guardian(s) understand this. The director shall try to assist the parent(s) or guardian(s) in making other plans for the child.

VIII Program - Parent Involvement.

Whenever possible, the child care center shall involve the parents who have the time on a volunteer basis in such areas as care, maintenance, and staffing of the center. In such cases they shall meet staff/volunteer health requirements.

Every child care center shall inform the parents of the children attending the center of the aims, program, and activities of the center.

Whenever possible, the child care center shall involve the parents who have the time on a volunteer basis in such areas as care, maintenance, and staffing of the center. In such cases they shall meet staff/volunteer health requirements.

Every child care center shall inform the parents of the children attending the center of the aims, program, and activities of the center.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

IV Physical Plant - Infant and Toddler Care - Sleeping Facilities.

In those instances where children leave before naptime, there shall be sufficient cots or beds for those children who may need to rest during the time they are in care.

When occupied, there shall be at least 18 inches of space between sides and ends of beds or cots except where they touch the wall or screens are placed between them.

Cots or beds shall be so placed that a child(ren) can get on or off his/her (their) cot(s) or bed(s) without being hampered in his/her (their) movement.

V Personnel - Infant and Toddler Care - Ratio of Supervisory Staff to Children.

There shall be at least one staff member on duty at all times for every four children. Insofar as possible, each staff member shall be assigned to a specific group of four children and shall be primary provider for that group on a consistent basis.

VII Records - Infant and Toddler Care - Individual Children.

The record shall include the kind of formula prescribed for any child in this age group as well as his/her feeding schedule.

There shall be a posted daily record maintained on each child including sleep (amount of time); feeding (amount taken and time); irregular diaper changes (time and comments); developmental milestones such as, but not limited to crawling taking first steps, forming words, sentences, etc.

VIII Program - Infant and Toddler Care - Activities, Planning, Equipment, and Materials.

A child who has not yet learned to walk or crawl shall be not be left in a crib or playpen for periods during the hours he/she is awake but shall be regularly held, cuddled, rocked, and talked to by adults other than just at feeding time.

A sleeping child shall be checked at least every 30 minutes.

If children under 1 year of age are provided care, there must be a means of identification such as, but not limited to bracelets and anklets on the child's person, including name and birthdate. Necklaces and pins shall not be used.

There shall be alternate periods of active and quiet play and rest in accordance with the age of the child.

In suitable weather, there shall be at least two hours daily of outdoor play which shall be divided between morning and afternoon. This shall be in accordance with the age and development of the child.

The center shall provide equipment and opportunities for sensory experiences, perceptual experiences, and gross and fine motor development.

There shall be an adult-size rocking chair in each area.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

IV Physical Plant - Infant and Toddler Care - Sleeping Facilities.
Formulas not taken by the infant and/or foods fed from the container and not eaten shall be discarded. If baby food has not been fed from the container, the remainder in the container may be used later provided that it is dated, stored in the refrigerator, and used within 48 hours.

Bottle fed infants shall be picked up and held when fed. Bottles shall not be propped.

Semi-solid food shall be fed with a spoon.

Children from the age of 6 months shall be taught and encouraged in self-feeding.

Children using infant seats or high chairs shall be carefully supervised during the snack or meal.

VII Program - Infant and Toddler Care - Meals and Snacks.

No food may be brought from home except in the case of special diets, including infant formulas prescribed by a physician, or in the case of religious requirements. Previous arrangements shall have been made with the administrator.

A morning snack, a mid-day meal, and an afternoon snack shall be served to children within the age group depending upon their ages, nutritional needs, and stages of development.

Other than for infants on formula, the main meal and snacks of the day served at the center shall be attractive in appearance and shall provide 1/3-2/3 of the child's daily food needs.

Children shall be served small-size portions and shall be permitted to have an additional serving(s).

Snacks shall be selected and planned to furnish the nutritional needs of the child as specified above. Portions served shall be small in amount and served not less than 1 1/2 hours prior to the meal.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

IV Physical Plant - School Age Care - Sleeping Facilities.
There shall be sufficient cots, sheets, and blankets for those children who occasionally wish to rest or take a nap.

V Personnel - School Age Care - Ratio of Supervisory Staff to Children.
There shall be at least one staff member on duty at all times for every 25 children in care for children in this age range.

VII Records - School Age Care.
Individual Children
Except for those instances where a school provides day care outside the scope of regular classes, the record shall include the grade level and the name of the school from which a child comes for before and/or after school care.

Written Agreement
There shall be a written agreement between the parent(s), guardian(s), or responsible person(s) or agency holding custody and the child care center authorizing the child care center to allow the child to participate in specific community activities such as, but not limited to Scouts, "Y," church, or to take music lessons.

VIII Program - School Age Care.

Activities, Planning, Equipment, and Materials

Those children who are in grades K and 1 may be allowed to participate in the afternoon preschool program, if they so desire.

Activities shall include such things as, but not limited to arts, crafts, organized games, outdoor activities, safety, health and hygiene, and opportunities for solitary activities such as, but not limited to reading, school work, or resting.

Opportunities, where hours of care permit, for supervised visits to such places as, but not limited to the community, museums, recreational areas, places of work, industry, or culture shall be provided.

Children shall be encouraged to engage in manual and creative activities in preference to activities such as television watching, coloring of predrawn patterns, tracing, copying, and mere assembling of components.

In the event that there are older children in a mixed preschool and school age group, separate opportuniities and/or facilities shall be made available for these children.

In the areas devoted to work, sturdy work tables shall be available so that children can work sitting or standing.

Ample accessible storage spaces shall be made available for materials for arts and crafts, play and sports equipment, and reading materials appropriate to the needs of the children.

Meals and Snacks

A morning snack, a mid-day meal, and an afternoon snack, shall be served to school age children who are in full-day care unless they bring their lunch from home.

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The main meal and snacks of the day if served at the center shall be attractive in appearance.

School age children if served shall be served medium-size portions and shall be permitted to have an additional serving(s).

Snacks shall be selected and planned to furnish the nutritional needs of the child as specified above. Portions served shall be small in the amount and served not less than 1 1/2 hours prior to the meal.

Snacks shall be served at the end of the school day.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

IV Physical Plant - Buildings.

Provision shall be made for kitchen space, eating space, sleeping space, toilet and handwashing facilities, and separate storage space for records and equipment. There shall be adequate separation between eating space and toilet space. Sleeping space, eating space, and play area(s) may be used interchangeably.

There shall be individual storage space such as, but not limited to lockers or cubbies, for each child's clothing and personal items.

There shall be a separate room for isolation of children in case of illness. (Children do not have to be separated according to age in the isolation area).

Play Facilities

Indoors

Each child care center shall have 25 square feet of indoor play space per child and 200 cubic feet of air space per child.

The room(s) shall not be so cluttered with tables, chairs, or other equipmennt that children will be prevented from moving freely about the room. Areas shall be provided where equipment and materials can be used with minimal interference or interruption.

Outdoors

There shall be a safe, sanitary, and adequate play area available which shall provide a minimum of 75 square feet of outdoor space per child on the play area at one time. If the outdoor play space does not adjoin the center, it shall be accessible to the center. There shall be sufficient staff supervision for the children's safety going to and from the play area.

Infant and Toddler Care

A child care center serving children from 0 to 24 months of age must provide an environment which protects the children from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional, and social development.

A separate room(s) shall be provided for children in this age range from those older than 24 months.

Separate area(s) shall be provided for those children walking or learning to walk and for those children who have not yet reached this stage of development.

School Age Care - Buildings

Separate areas shall be provided for children in this age range past the first grade. Children in grades K-1 may be a part of the preschool group.

Provision shall be made for study space for those children who wish to study. Equipment shall vary according to the ages and academic needs of the children served and shall consist of, but not be limited to tables, desks, chairs, lamps, dictionaries, etc.

Evening and Overnight Care - Buildings

There shall be an area for school age children to do homework if they choose prior to bedtime. Such an area shall be conducive to study.

Infant and Toddler Care - Play Facilities

Indoors

There shall be an area protected from general walkways where crawling infants can be on the floor for a part of the day.

Outdoors

The outdoor play area shall include an unpaved play space such as, but not limited to grassy play area(s).

School Age Care - Play Facilities - Outdoors

The center shall either provide open spaces for running and games or provide supervised excursions to public or private playgrounds.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

IV Physical Plant - Light, Ventilation, and Heat.

Adequate lighting and ventilation shall be provided in each room at all times in conformity with State and/or local building codes. If artificial lighting is necessary it shall be equal to 15 footcandles in sleeping areas and 30 footcandles in play and indoor activity areas, except during rest period or at night when children are sleeping.

School Age Care - Light, Ventilation, and Heat

Additional lighting equal to 100 footcandles shall be available at desks or tables where children are studying.

Evening and Overnight Care - Light, Ventilation, and Heat

Night lights equal to 15 footcandles shall be used in sleeping areas.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

IV Physical Plant - Buildings.

Preschool Care - Toilet and Handwashing Facilities

There shall be provided within the building at least one flush toilet and one sanitary wash basin for every 15 children. Where junior toilets and low basins are not in use, platforms and steps shall be provided so that the children may use such equipment without assistance.

Where toilet chairs are used, they shall be emptied promptly and sanitized after each use.

School Age Care - Toilet and Handwashing Facilities

There shall be provided within the building at least one flush toilet and one sanitary wash basin for every 15 children.

Children shall be provided privacy for the use of toilet facilities.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

IV Physical Plant - Fire Safety.

All child care centers shall meet the requirements of the Virginia Fire Safety Regulations and/or the Uniform Statewide Building Code, where applicable, as well as local fire requirements.

> Evidence shall be required prior to initial licensure that buildings have been inspected and comply with applicable fire requirements. A copy of the building official's report shall be filed with this Department by the applicant.
>
> For proposed new buildings, evidence shall be required that plans and specifications for the work have approval by the local building official. A copy of the building official's report shall be filed with this Department by the applicant.
>
> For alteration of or additions to buildings constructed prior to September 1, 1973, evidence shall be required that plans and specifications have been approved by the State Fire Marshal.
>
> For alteration of or additions to buildings constructed after September 1, 1973, evidence shall be required that plans and specifications have been approved by the local building official. A copy of the building official's report shall be filed with this Department by the applicant.

The child care center shall be free from fire hazards as determined through inspections, at least annually, by a recognized fire authority.

1530. BUILDING

IV Physical Plant - Sanitation.

A child care center shall comply with the State and/or local health ordinances and building codes, when applicable.

1540. HEALTH

See 1530. BUILDING

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

See 1520. FIRE

405

Except where otherwise noted, all citations are from the Washington Department of Social and Health Services, Minimum Licensing Requirements for Day Care Center for Children, Chapter 388-73, Washington Administrative Code, June, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

WASH. REV. CODE §74.15.020 Definitions.
"Day care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care centers:

> A day care center provides for the care of thirteen or more children. No center shall be located in a private family residence unless that portion of the residence to which the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.
>
> A "mini day care program" means:
>
> > a day care center for the care of 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed, or
> >
> > for the care of from seven through twelve children in the family abode of such person or persons.

112. Exclusions and Exemptions

WASH. REV. CODE §74.15.020 Definitions.

"Agency" shall not include the following:

> Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;
>
> Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
>
> Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;
>
> Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70-.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;
>
> Licensed physicians or lawyers;
>
> Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;
>
> Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

"Requirement" means any rule, regulation or standard of care to be maintained by an agency.

WAC 388-73-018 Persons and Organizations Not Subject to Licensing.

In addition to those persons and organizations which are exempt from the requirements of this chapter the following persons and organizations are not required to be licensed:

Persons caring for a child in the child's own home whether related to the child or not.

Persons who have a child in their home for purposes of adoption, provided such child was placed in such home by a licensed child-placing agency or authorized public agency, or a preplacement report is on file and has been approved by the court.

An agency operated by any unit of local, state or federal government or by a tribal council operating an agency on a federally recognized Indian reservation.

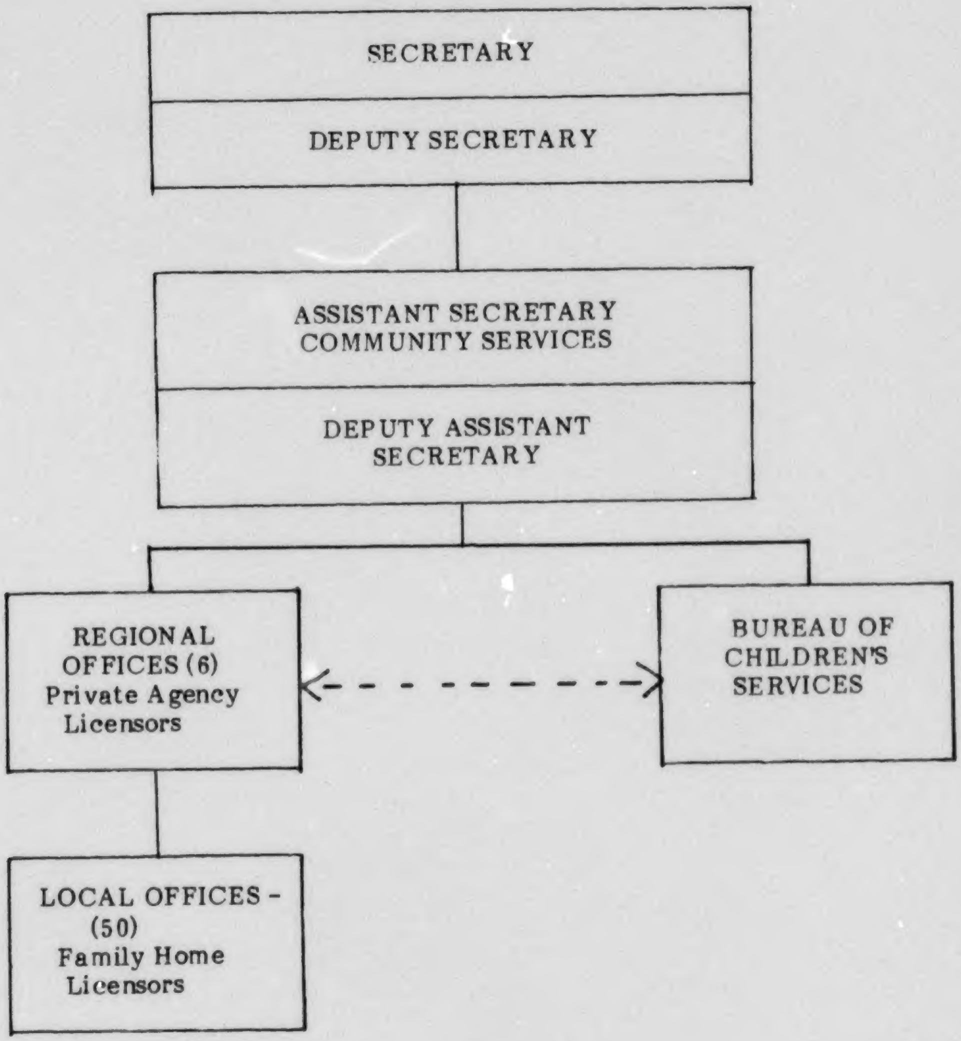
An agency located on a federal military reservation, except upon the invitation of the military authorities.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


SECRETARY
DEPUTY SECRETARY
ASSISTANT SECRETARY COMMUNITY SERVICES
DEPUTY ASSISTANT SECRETARY
REGIONAL OFFICES (6) Private Agency Licensors
BUREAU OF CHILDREN'S SERVICES
LOCAL OFFICES - (50) Family Home Licensors

Issuance, revocation, and the day to day monitoring functions for day care center licenses are the responsibility of the six regional offices located throughout the state. The day to day monitoring functions for family day care homes are the responsibility of local office licensing staff. Issuance and revocation of family day care home licenses are handled by the local office licensing staff. The state central office licensing staff provide monitoring and technical consultation to the regional and local licensing staff but have not direct line authority over them.

122. Responsible Official

All inquiries should be addressed to:

Licensing Program Manager
Administrative Services Section
Bureau of Children's Services
Community Services Division
Department of Social and Health Services
State Office Building #2
Mail Stop 440
Olympia, Washington 98504
(106) 753-7160

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

WASH. REV. CODE §74.15.030 Powers and Duties of Secretary.
The secretary shall have the power and it shall be his duty:

In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

212. Advisory Body and Other Community Participation

WASH. REV. CODE §74.15.050 Fire Protection—Powers and Duties of State Fire Marshal.

The state fire marshal shall have the power and it shall be his duty:

In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements necessary to protect all persons residing therein from fire hazards;

To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he deems necessary;

To make a periodic review of requirements under RCW 74.15.030(6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

To issue applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

WASH. REV. CODE §74.15.060 Health Protection--Powers and Duties of Secretary of Social and Health Services.

The secretary of social and health services shall have the power and it shall be his duty:

In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to develop minimum requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW, *RCW 74.32.040 through 74.32-.055 and 74.13.031, necessary to promote the health of all persons residing therein.

220. LICENSING PROCEDURE

221. Application and Issuance

WASH. REV. CODE §74.15.040 Licenses for Foster-Family Homes--Issuance by Department.

Licenses for foster-family homes under the supervision of a licensed agency shall be issued by the department of social and health services upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to chapter 74.15 RCW and RCW 74.13.031.

WASH. REV. CODE §74.15.100 License Application, Issuance, Duration - Reclassification.

Each agency shall make application for a license or renewal of license to the department of social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Upon receipt of such application, the department shall either grant or deny a license within ninety days. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that a provisional license may be issued as provided in RCW 74.15-120. Licenses provided in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of two years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category.

WAC 388-73-022 Application for License or Certification-- Investigation.

Persons or organizations applying for a license or for certification under this chapter shall do so on forms and comply with procedures prescribed by the department. The application shall be made by and in the name of the person(s) or legal entity which shall be responsible for the operation of the facility.

The department may require such additional information from individual applicants as it deems necessary. The department may perform such corollary investigations of applicants, licensees, their staff and members of their households as it deems necessary, including accessing of criminal histories and law enforcement files.

WAC 388-73-028 Limitations on Licenses.

Licenses shall not be issued to an applicant for both day care and for full-time care nor for both children and adults in the same facility, except that expectant mothers and their children may receive care in the same facility. Exceptions may be made only if it is clearly evident that care of one category of client does not interfere with the quality of care to be provided to the other categories of clients. In such circumstances, the total number of clients in all categories shall not exceed the number permitted by the most stringent capacity limitation of the categories concerned.

222. Fee Charged

Not specified

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

WASH. REV. CODE §74.15.110 Renewal of Licenses.

If a licensee desires to apply for a renewal of its license, a request for a renewal shall be filed ninety days prior to the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department shall act.

225. Conditional/Provisional Licenses

WASH. REV. CODE §74.15.120 Provisional Licenses.

The secretary of social and health services may, at his discretion, issue a provisional license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license, except that a provisional license shall not be granted to any foster-family home.

226. Substantial Compliance

WAC 388-73-016 Exceptions to Rules.

In individual cases the department, at its discretion, may waive specific requirements which because of the cultural patterns of the persons served or which for other reasons are inappropriate, and may approve alternative methods of achieving the intent of specific requirements if such waiver or approval does not jeopardize the safety or welfare of the persons in care. Licenses issued under the provisions of this section may be limited or restricted by the department. Waivers shall be in writing and a copy of the waiver maintained by the licensee.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

WASH. REV. CODE §74.15.130 Licenses—Denial, Suspension, Revocation - Hearing.

An agency may be denied a license, or any license issued may be suspended, revoked or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses;

Whenever the secretary shall have reasonable cause to believe that grounds for denial, suspension or revocation of a license exist or that a license has failed to qualify for renewal of a license he shall notify the licensee in writing by certified mail, stating the grounds upon which it is proposed that the licensee be denied, suspended, revoked or not renewed.

Within thirty days from the receipt of notice of the grounds of denial, suspension, revocation or lack of renewal, the license may serve upon the secretary a written request for hearing. Service of a request for hearing shall be made by certified mail. Upon receiving a request for hearing, the secretary shall fix a date upon which the matter may be heard, which date shall be not less than thirty-five days from the receipt of the request for such hearing and he shall also notify the child welfare and day care advisory committee not less than twenty-five days before the hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. It shall be the duty of the secretary within thirty days after the date of the hearing to notify the appellant of hid decision. The secretary shall promulgate and publish rules governing the conduct of hearings.

Except as specifically provided above, the rules adopted and the hearings conducted shall be in accordance with Title 34 RCW (Administrative Procedure Act).

WAC 388-73-036 Licensure: Denial, Suspension or Revocation.

Before granting a license and as a condition for continuance of a license, the Department shall consider the ability of each applicant and the chief executive officer, if any, to operate the agency in accordance with the law and this chapter.

Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with Chapter 74.15 RCW or this chapter, the license may be denied, suspended, revoked or not renewed.

A license may be denied, suspended, revoked or not renewed for failure to comply with the provisions of Chapter 74.15 RCW, and rules contained in this chapter. A license shall be denied, suspended, revoked or not renewed for any of the following reasons:

Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

Permitting, aiding, or abetting the commission of any illegal act on the premises;

Permitting, aiding, or abetting the abuse, neglect, exploitation or cruel or indifferent care to persons under care;

Repeatedly providing insufficient personnel relative to the number and types of persons under care or allowing persons unqualifed by training, experience or temperament to care for or be in contact with the persons under care;

Misappropriation of the property of persons under care;

Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

Failure to provide adequate supervision to persons under care;

Refusal to admit authorized representatives of the department or State Fire Marshal to inspect the premises; and

Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the facility or to permit them to interview agency staff and clients.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License

233.3 Judicial Review

WASH. REV. CODE §74.15.140 Action Against Licensed or Unlicensed Agencies Authorized.

Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he may deem advisable against any agency subject to licensing under the provisions of chapter 74.15 RCW and RCW 74.13-.031 or against any such agency not having a license as heretofore provided in chapter 74.15 RCW and RCW 74.13.031.

WASH. REV. CODE §74.15.150 Penalty for Operating Without License.
Any agency operating without a license shall be guilty of a misdemeanor. This section shall not be enforceable against an agency until sixty days after the effective date of new rules, applicable to such agency, have been adopted under chapter 74.15 RCW, RCW 74.32-.040 through 74.32.055 and 74.13.031.

WASH. REV. CODE §74.15.170 Agencies, Homes Conducted by Religious Organization--Application of Chapter.

Nothing in this chapter or the rules and the regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents of any agency, children's institution, child placing agency, maternity home, day or hourly nursery, foster home or related institution conducted for or by members of a recognized religious sect, denomination or organization which in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion, nor shall the existence of any of the above conditions militate against the licensing of such a home or institution.

WASH. REV. CODE §34.04.170 Provisions Applicable to Licenses and Licensing.

When a license has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, an existing full, temporary, or provisional license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

WAC 388-73-034 Posting of License.
All licensees...shall post the license issued under this chapter in a conspicuous place.

WAC 388-73-038 Licensed Capacity.
The number of persons for whom a facility will be licensed is dependent upon the evaluation of the physical accommodations of the facility, the numbers and skills of the licensee, staff, family members and volunteers, and the ages and characteristics of the persons to be served. No facility shall be licensed for the care of more persons than permitted by the rules regarding the category of care for which the license is sought.

WAC 388-73-042 Religious Activities.

The rights of persons in care to observe the tenets of their faith shall be respected and facilitated consistent with state and federal law. Persons shall not be punished for exercising these rights.

WAC 388-73-050 Abuse, Neglect, Exploitation.

Licenses shall protect persons, while in their care, from abuse, neglect and exploitation as defined herein:

Abuse

Physical abuse - the person has sustained physical damage, such as bruises, lacerations, fractures or burns as a result of a non-accidental physical act or acts.

Emotional abuse - the person has sustained emotional damage as shown by his/her behavior or physical manifestations, and/or whose health and welfare is endangered as a result of treatment received in the licensed facility.

Neglect

Physical neglect - the person has sustained physical or material deprivation, such as not being adequately fed, clothed or bathed. Adequate medical care is lacking. The person does not receive the supervision necessary relative to his/her level of development.

Emotional neglect - the person has sustained emotional damage as shown by his/her behavior or physical manifestations, or whose health and welfare is endangered by rejection, lack of love, attention, approval or security.

Exploitation

The person is forced to work at unreasonable tasks and/or for unreasonable periods of time, or is sexually abused, or is forced to commit criminal acts.

WAC 388-73-056 Reporting of Illness, Death, Injury, Epidemic or Child Abuse. The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

To the department, placement agency, and responsible relative

Serious injury or death of a person under care

WAC 388-73-057 Reporting of Circumstantial Changes. Agencies shall report to the department changes in circumstances which might constitute grounds for reclassification of agency as to category of license or continued eligibility for license and major changes in staff or program, including the following:

Changes in agency's address or location and phone number (license is valid only for address indicated on the license).

Changes in the maximum number, age ranges and sex of persons licensee wishes to serve as compared to specifications in the license.

Changes in number and qualifications of agency's staffing pattern, change of agency's chief executive, and the death, retirement or incapacity of a licensee. (A license is valid only for the person or organization named on the license).

Occurrence of a fire on licensed premises, major structural changes or damage to premises from any cause and plans for major remodeling of facility.

Change in name of a licensed corporation, or name by which a facility is commonly known, and changes in agency's articles of incorporation and by-laws.

Marriage or divorce of a foster parent or other change in household composition which affect eligibility for license or number of persons that may be served.

WAC 388-73-078 Clerical, Accounting and Administrative Services.
...each agency shall provide or arrange for sufficient clerical, accounting and administrative staff or services as are required to maintain proper records and carry out the agency's program.

WAC 388-73-080 Support and Maintenance Staff.
...each licensee shall provide or arrange for sufficient support and maintenance staff or services as are required for the maintenance and repair of the facility and preparation and serving of meals.

WAC 388-73-450 Required Personnel--Day Care Centers.
Each day care center shall have the following minimum staff:

A director responsible for the overall management of the day care center's facility and its operation, and a program supervisor responsible for the planning and supervision of the child care and children's activities program. The director and program supervisor may be one and the same person if he or she is qualified for both positions. One or the other shall normally be on the premises while children are in care and another competent person left in charge during their temporary absence.

The director and program supervisor may also serve as child care staff to the extent that such role does not interfere with their management and supervisory responsibilities.

312. Telephone

WAC 388-73-100 Site and Telephone.

The facility shall be located on a well-drained site in an area free from hazardous conditions and accessible to other facilities necessary to carry out its program. There shall be at least one telephone on the premises which shall be accessible for emergency use at all times.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

WAC 388-73-068 Personnel Policies.

All agencies employing five or more persons shall have written policies covering qualifications and duties of staff and volunteers, hours of work, rate of payment, and fringe benefits.

322. Constraints Against Employment

WAC 388-73-036 Licensure: Denial, Suspension or Revocation.

Any individual engaging in illegal use of drugs or excessive use of alcohol shall be disqualified.

Any individual convicted of a felony or released from a prison within seven years of the date of application for the license shall be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation and/or administration of an agency; and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to such conviction to warrant public trust.

Individuals who, in this state or elsewhere, have for cause been denied a license to operate a facility for the care of children, expectant mothers, developmentally disabled adults or adults in need of protection, or who have had a license to operate such a facility suspended or revoked shall not be granted a license: PROVIDED, HOWEVER, When such person demonstrates to the Department and affirmatively establishes by clear, cogent and convincing evidence his or her ability to operate an agency under this chapter, the Department may waive this provision and license such an individual.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

WAC 388-73-040 Discrimination Prohibited.
The licensee shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination in employment practices and client services.

340. RECORDS REQUIREMENTS

341. Children

WAC 388-73-054 Client Records and Information.
Records and information concerning persons in care shall be maintained in such a manner as to preserve their confidentiality. For American Indian children see WAC 388-73-044. Records giving the following information on each person under care shall be maintained at the licensed facility:

> Identifying information, including name, birthdate, and, for full-time care providers, dates of admission, absences and discharge; for day care providers, daily attendance.

Names, addresses, and telephone numbers, if any (home and business) of parents and/or other persons to be contacted in case of emergency.

Dates and kinds of illnesses and accidents, medication, and treatments prescribed and time they are given and by whom, and, ... dates and types of immunization, and other pertinent information relating to the person's health.

Written parental consent (or court order) for providing medical care and emergency surgery except as such care is otherwise authorized by law.

Names, addresses and telephone numbers of persons who are authorized to take the person under care out of the facility.

Authorization for acceptance of the person under care....

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

WAC 388-73-056 Reporting of Illness, Death, Injury, Epidemic or Child Abuse. The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

> Evidence of child abuse or neglect and child abandonment. See Chapter 26.44 RCW and WAC 388-73-050.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

WAC 388-73-450 Required Personnel--Day Care Centers.

Child care staff. Persons responsible for the direct care and supervision of the children and free of other duties while serving in such role, whether paid staff or volunteers, shall be provided for each group of children as follows:

(a) Number of child care staff:

Age of Children	Ratio to Staff to Children	Maximum Size of Group
1 month through 11 months	1:5	10
12 months through 29 months	1:7	14
30 months through 47 months	1:10	20
48 months and older		

*or major fraction of such number computed on the basis of the total number of children of such ages in care

WAC 388-73-454 Toddlers and Preschool Children--Day Care Centers.

Ambulatory children between one year and two and one-half years of age may be grouped with older children during their waking hours provided that the total number of children to a group does not exceed ten and two staff members are assigned to the group.

WAC 388-73-408 Evening and Nighttime Care.

The child care staff to child ratio shall remain the same as during day-time care. During sleeping hours, all children shall be within visual range or listening distance of a staff member.

412. Methods of Computing Staff/Child Ratios

WAC 388-73-450 Required Personnel—Day Care Centers.

The above child care staff to child ratio shall be maintained both indoors and out and on field trips. Children shall be grouped according to their ages as indicated above. The department may approve reasonable variations related to the groupings and activities of the children as long as the children are adequately supervised and the total required number of staff is maintained. During the children's rest periods the ratio shall be maintained but child care staff may be involved in other activities so long as they remain on the premises and each child is within visual or auditory range of a staff member.

Minimum staff on duty

> At least two staff (at least one of whom is a child care staff) shall be present:
>
> > Whenever more than six children, any of whom are under two years of age, are on the premises, or
> >
> > Whenever more than eight children, any of whom are under three years of age, are on the premises, or
> >
> > Whenever more than ten children are on the premises.
>
> Whenever there is only one staff member present, there shall be a second staff member readily available in case of an emergency.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios of March, 1981

422. Methods of Computing Group Size

See 412. Methods of Computing Staff/Child Ratios

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

WAC 388-73-450. Required Personnel—Day Care Centers.
Qualifications of child care staff. All child care staff shall be at least sixteen years of age, but in no case shall a person under eighteen be assigned sole responsibility for a group of children.

512. Health

WAC 388-73-142 Tuberculosis, Communicable Disease.
Each licensee, employee, adult volunteer, and other adult persons who have regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

> Persons whose TB skin test is positive (10 mm or more in duration) shall have a chest x-ray within ninety days following the skin test.
>
> Routine periodic retesting or x-ray (biennial or otherwise) after the entry testing is not required.
>
> An entry test shall not be required of persons whose TB skin test has been documented as negative (less than 10 mm) within the last two years nor shall routine periodic retesting or x-ray (biennial or otherwise) be required of such persons.

A record of skin test results, x-rays, or exemptions to such will be kept in the facility.

Persons with a communicable disease in an infectious stage shall not be on duty.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

WAC 388-73-032 Age of Licensee.
Applicants for a license under this chapter shall be at least eighteen years of age.

WAC 388-73-450 Required Personnel—Day Care Centers.
The director shall be at least twenty-one years of age and shall have the management and supervisory skills necessary for the proper administration of the day care center, including the maintenance of necessary records, the management of the agency's finance, and the maintenance of positive relationships with staff, parents and the community as evidenced by appropriate references and on-the-job performance.

The program supervisor shall be at least twenty-one years of age, and shall have knowledge of child growth and development and techniques of guiding children's behavior and the ability to plan programs to meet the needs of the children served as evidenced by appropriate references and on-the-job performance. He or she shall have had at least two years successful experience working with children of the same age level as those served by the center and shall have completed forty-five college quarter credit hours in early childhood education/development or an equivalent educational background; or be a certified child development associate; or have a plan approved by the department for the achievement of such training within a reasonable period of time. For centers serving school-age children only, courses in education, recreation or physical education may be substituted for the required training.

522. Health

See 512. Health

523. Education

See 521. Age

524. Experience

WAC 388-73-030 General Qualifications of Licensee, Persons on the Premises.

The licensee, staff and other persons on the premises shall be persons of good character. The licensee shall demonstrate that he/she, child care staff, volunteers and other persons who have access to persons under care have the understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional and social needs of persons under care. The licensee, staff and other persons on the premises shall not have been convicted of a child abuse and/or any crime involving physical harm to another person nor be a perpetrator of substantiated child abuse.

See also 521. Age

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

WAC 388-73-070 Training.
Staff shall be made aware of the licensee's policies and procedures and the rules contained in this chapter. All agencies employing five or more persons shall have an in-service training program for developing and upgrading staff skills.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

WAC 388-73-412 Toddler and Preschool Children.
The program for children who are walking but not yet in the first grade shall be planned to promote large muscle development, intellectual and social-emotional development and good health habits.

WAC 388-73-452 Program—Day Care Centers.
The agency shall implement a program designed to meet the developmental needs of the various age groups served and in consideration of the cultural and other particular needs of individual children or groups of children. The program shall provide for a balance between free play and organized activities, between individual play and the sharing of experiences among

children; and shall promote individual contact between staff and child. There shall be reasonable regularity of activities from day to day, but allowance shall be made for a variety of special events. Children of all ages shall spend a portion of the day outdoors, weather permitting. Each day care facility shall have a program plan evidenced by a written daily schedule and periodic staff meetings for planning purposes.

WAC 388-73-408 Evening and Nighttime Care.
A day care provider offering care during evening and nighttime hours shall adapt the program and equipment plan for staffing to meet the physical and emotional needs of children away from their families at night.

Grouping of children shall be arranged so the sleeping children are not disturbed by the arrival or pickup of other children.

612. Program Equipment and Materials

WAC 388-73-458 Furnishings and Equipment—Day Care Centers.
The center shall provide equipment of sufficient quantity and variety to carry out the required program and to provide every child with the opportunity for physical and intellectual development. The selection of equipment shall provide opportunities for play alone or in groups and there shall be an appropriate number of materials from each of the following categories: Art supplies, blocks and accessories, books, housekeeping furniture and props, manipulative toys, musical instruments, science materials, water play supplies, props for dramatic play, and large muscle equipment.

613. Nap Provision

WAC 388-73-402 Maximum Hours--Rest Periods.
Children shall normally not remain in care in excess of ten hours per day except as is necessitated by the parent's working hours and travel time to and from the day care facility.

Supervised rest periods shall be provided for all children under five years of age who remain in care in excess of six hours and for other children who show a need for rest. Children under two and one-half years of age shall nap in rooms or areas separated from older children and shall be allowed to follow their own sleep schedules.

WAC 388-73-406 Nap and Sleep Equipment.
A separate firm, clean bed, crib, play pen, cot, mat or mattress of sufficient size separated by at least thirty inches laterally and clean bedding shall be provided for each child under five years of age who remains in care for more than six hours, and for any other child who requires a nap or rest period. Infants shall be provided with cribs until at the discretion of the licensee and parent they are safer on a cot or mat. See also WAC 388-73-146(7) (cribs).

Mats and mattresses shall be covered on all surfaces with impervious material that can be cleaned between use by different children.

Cot surface may be of plastic or canvas or other material which can be cleaned with a detergent solution and allowed to air dry.

Bedding shall consist of an easily laundered sheet or blanket to cover the sleeping surface and a suitable washable covering for the child. Each child's bedding shall be stored separate from bedding used by other children.

614. Discipline and Guidance

WAC 388-73-046 Discipline.
Disciplinary practices shall be stated in writing. Discipline shall be a responsibility of the licensee or staff, and shall not be prescribed or administered by persons under care. Discipline shall be based on an understanding of the individual's needs and stage of development and shall be

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designed to help the individual develop inner control, acceptable behavior and respect for the rights of others.

Discipline shall be fair, reasonable, consistent and related to the individual's behavior. Cruel and unusual discipline, discipline hazardous to health, and frightening or humiliating discipline shall not be administered.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

WAC 388-73-056 Reporting of Illness, Death, Injury, Epidemic or Child Abuse.

The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

> To the local public health officer any occurrence of food poisoning or communicable disease as required by the state board of health.

712. Health Assessments

WAC 388-73-132 Health Care Plan.

All facilities providing direct care shall have a written plan of action to be taken in the event of medical emergencies and a plan for health supervision and arrangement for the provision of needed medical care.

Agencies licensed for the care of seven or more persons shall:

> Arrange for the services of an advisory physician, physician's assistant or registered nurse to assist in the development and periodic review of the agency's health policies, procedures and practices. Emergency phone numbers shall be posted next to the phone.

Maintain current, written medical policies and procedures including standing orders for first aid, care of minor illnesses, action to be taken in the event of medical emergencies, infant care procedures when infants are under care and general health practices.

WAC 388-73-140 Health History, Physical Examinations, Immunizations.
A health history for each person under care shall be obtained when the person is accepted for care. This shall include the date of the person's last physical examination, allergies, any special health problems, and for children, an immunization history.

If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant or certified registered nurse (nurse practitioner) within one year prior to admission, arrangements shall be made for an examination within thirty days.

Yearly physical examinations are required for each child who is not under regular medical supervision.

(The above section is not to be interpreted as requiring day care providers to be responsible for providing or paying for medical services for children in care.)

713. Immunizations

WAC 388-73-140 Health History, Physical Examinations, Immunizations.
Prior to admission or within forty-five calendar days of the child's first day of attendance, each child shall present proof of full immunization for diptheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles), and mumps.

Children who have not received all immunizations as set forth in WAC 248-100-164(2) may be accepted on a conditional basis if immunizations are initiated and are completed as rapidly as is medically indicated. Exceptions to this immunization requirement shall be made in the case of a parent or guardian who expresses religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

((The above section is not to be interpreted as requiring day care providers to be responsible for providing or paying for medical services for children in care.))

714. Sanitation

WAC 388-73-066 Personal Hygiene.
Licensees are responsible to provide or arrange for items needed for good grooming and personal hygiene for persons under care.

WAC 388-73-114 Housekeeping Sink.
For facilities licensed for the care of thirteen or more persons, a housekeeping sink or a substitute acceptable to the department shall be provided.

WAC 388-73-116 Laundry.
Adequate facilities shall be provided for separate storage of soiled linen and clean linen. Adequate laundry and drying equipment shall be provided unless arrangements are made for commericial laundry services, or bedding and/or clothing are provided and laundered by parents.

For facilities licensed to care for seven or more persons, laundry equipment shall be located in an area separate from the kitchen and child care areas. Water temperature for laundry shall be maintained at a minimum of 140 degrees F.

WAC 388-73-122 Pest Control.

The premises shall be kept free from rodents, flies, cockroaches, and other insects.

WAC 388-73-124 Sewage and Liquid Wastes.

Sewage and liquid wastes shall be discharged into a public sewer system or into an independent sewage system approved by the local health authority or department.

WAC 388-73-126 Water Supply.

A private water supply must be approved by the local health authority or department. Disposable paper cups, individual drinking cups or glasses or inclined jet type drinking fountains shall be provided. Bubbler type fountains and common drinking cups are prohibited. ((This requirement is not meant to prohibit the use of a drinking vessel which is sanitized between use by different persons.))

715. Daily Illness Screening

WAC 388-73-404 Ill Children.

Each child shall be observed for signs of illness each day. Children who are ill, tired or upset shall be given a chance to rest in a quiet area under frequent observation. Ill children need not be discharged home as a routine policy. They may be cared for during minor illness at the joint discretion of the parent and licensee. In the case of more severe illness, the child shall be separated from the other children and properly attended until arrangements are made for return to this home.

716. Care of Sick Children

WAC 388-73-056 Reporting of Illness, Death, Injury, Epidemic or Child Abuse. The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

> Day care providers shall in addition report to the responsible relative illness of the person under care and known or suspected exposure to communicable disease.

Except for child-placing agencies, foster family homes for children, expectant mothers or adults, and family day care homes, each agency shall provide a separate room or segregated area which is designated for the care of a person under care who needs to be separated from the group due to injury, illness or the need for additional rest. This room or area must be located so that the child can be supervised. Toilet and lavatory facilities shall be readily accessible. If the person under care is suspected of having a communicable disease, all equipment used by the child must be adequately sanitized after use. This room or area may be used for other purposes when not needed for the separation and care of a person in care.

717. Medication and Special Diet Provisions

WAC 388-73-135 Medications Controlled By Licensee.
All medications shall be kept in an orderly fashion in locked storage or otherwise made inaccessible to unauthorized persons and shall be refrigerated when so required.

External medications shall be stored separately (separate compartments) from internal medications.

Medications must be stored in their original container. The container shall contain the patient's name and date of purchase.

Only the licenseee or responsible designee shall disburse or have access to medications except for self-administered medications as provided for in WAC 388-73-138.

Medications shall be disbursed only on the written approval of a parent, or person or agency who has authority by court order to approve medical care. Medications shall be disbursed only as specified on the prescription label or as otherwise authorized by a physician.

... a record shall be kept of all medications disbursed and "as needed" medications shall be approved by a physician or registered nurse prior to disbursement.

Unused medications shall be properly disposed of or returned to the parent or other responsible party.

718. Waiver of Health Requirements

See 713. Immunizations

720. SAFETY

721. General Safety Requirements

WAC 388-73-104 Firearms.
Firearms, if any, shall be used only under competent adult supervision and when not in use shall be kept in locked storage accessible only to authorized persons.

722. Fire Safety Requirements

Not specified

723. Transportation

WAC 388-73-062 Transportation.
When a licensee provides transportation for persons under care:

The vehicle shall be in safe operating condition. The driver shall have a current driver's license.

There shall be at least one adult supervisor other than the driver in a vehicle when there are more than six preschool-aged children in the vehicle.

Licensee or driver shall carry liability and medical insurance.

Seat belts or other appropriate safety devices shall be provided for all passengers. The number of passengers shall not exceed the vehicle's seating capacity.

724. Safety Requirements for Equipment

WAC 388-73-458 Furnishings and Equipment—Day Care Centers.
Furniture shall be safe, durable, easily cleaned, and child-sized or appropriately adapted for ages of children served. Equipment shall be sturdy, well-constructed, in good condition, safe and free of sharp, loose or pointed parts. Furniture and equipment shall not block exits.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

WAC 388-73-134 First Aid.

A person who has completed a basic Red Cross first aid course or a first aid course approved by the department and training in cardio-pulmonary resuscitation shall be present at all times persons are under care or the licensee shall have a plan approved by the department to obtain such training... A list of the names of persons who have completed such a course, and the dates of completion shall be maintained in the facility. The requirement for CPR training may be waived for persons when such training is contraindicated for medical reasons.

First aid supplies, as needed to conform with the plan of action, shall be readily available. First aid supplies shall include syrup of ipecac.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

WAC 388-73-144 Nutrition.

Food served by each agency shall be planned in light of the needs of the persons under care, taking into consideration their ages, cultural background, any handicapping condition, and hours of care in the facility.

The use of raw milk is prohibited. Skim milk and reconstituted non-fat dry milk shall not be used for drinking purposes by children less than two and one-half years of age, except with the written permission of a physician. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over two and one-half years of age provided the preparation, service, and storage of said milk is in accordance with the requirements of 248-84 WAC relating to potentially hazardous foods.

For facilities licensed to care for seven or more persons, daily menus, including snacks, shall be prepared one week in advance, dated and plainly posted for a one week time span. Any substitutions shall be of comparable food value and recorded. These menus shall be kept on file for a minimum of six months for review by the department.

Nutrient concentrates, supplements and modified diets (therapeutic and allergy diets) shall not be served except with the written instructions of a physician. The parent, responsible relative or physician must submit a written diet listing foods the person cannot have. This list, with the person's name, must be plainly posted and followed by staff.

Day Care and Day Treatment - Children in care for five to ten hours shall be served food that provides at least one-third of the 1974 recommended dietary allowances set by the national research council. Children in care for more than ten hours shall be served food that provides at least one-half of the 1974 recommended dietary allowances set by the national research council. Children who bring sack lunches from home shall be provided additional foods to meet these requirements. Licensees shall consult with parents as to the additional foods that are provided.

> All children arriving before 7:00 a.m. who have not received breakfast shall be offered a breakfast that provides at least one-fourth of the recommended dietary allowances.
>
> All children present shall be offered mid-morning and mid-afternoon snacks. If a breakfast was served to all children, then mid-morning snack is not required. Children arriving after school shall be offered a snack.

Between-meal snacks shall be provided and may be part of the daily food needs. Snacks shall consist of two or more of the following items (two foods within the same grouping may be served), served in age-appropriate serving sizes:

milk or milk products

fruit and/or vegetables

fruit and/or vegetable juices that are at least fifty percent real juice

whole grain or enriched breads and/or cereal products;

protein foods (animal or vegetable).

The occasional serving of party foods which do not meet these requirements is not prohibited.

WAC 388-73-408 Evening and Nighttime Care.
Children in evening care shall be served a nutritious dinner, if not fed the dinner meal at home prior to arrival, and a bedtime snack. Children in nighttime care shall be served a nutritious breakfast if they remain in care after the usual breakfast hour.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

WAC 388-73-112 Kitchen Facilities.
Facilities for the proper storage, preparation and service of food shall be provided to the extent required by the type of care being provided.

All food service facilities and practices in day care centers, day treatment programs, group care facilities and maternity homes shall be in compliance with Chapter 248-84 WAC, Rules and Regulations of the State Board of Health governing food service sanitation. Kitchen equipment and food preparation procedures shall be approved by the department.

Children may participate in food prepartion provided it is part of an agency's supervised program. Preschool age children shall be supervised when in the kitchen.

In day care centers the kitchen shall be inaccessible to children except for planned and supervised activities.

900. SOCIAL SERVICES

WAC 388-73-044 Special Requirements Regarding American Indians.
When ten percent or more of an agency's caseload consists of Indian children, the agency shall develop social service resources and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian Health Service and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaskan native consultants.

In addition to reports required by WAC 388-73-056, an agency shall report to a child's tribal council the serious injury or death or abandonment of an enrolled Indian child....

1000. PARENT PARTICIPATION

WAC 388-73-410 Information to Parents.

The parent shall be supplied with the following information in written form: A typical daily schedule of activities; admission requirements and enrollment procedures; hours of operation; meals and snacks served; fees and payment plan; regulations concerning sick children; transportation arrangements and arrangements for trips, disciplinary policies, and religious activities, if any.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

WAC 388-73-146 Infant Care.

This section is applicable only to day care centers and to mini day care programs.

Children under one month of age shall not be accepted for day care in mini-day programs and day care centers.

Toilet training shall be initiated when readiness is indicated by the child and in consultation with the child's parents/placement agency.

Children's Activities - Infants shall be provided opportunities for exercise, large and small muscle development, crawling and exploring, sensory stimulation, social interaction and the development of communication and self-help skills. The facility shall provide suitable toys and equipment for infant care.

1120. HEALTH AND SAFETY REQUIREMENTS

WAC 388-73-146 Infant Care.

This section is applicable only to day care centers and to mini day care programs.

Separate rooms and play areas for children under one year or children who are not walking are required for facilities licensed to care for thirteen or more children. Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than ten such children to a room with handwashing facilities in each such room or convenient thereto.

Diaper-changing places shall be sanitized between use for different children or protected by a disposable covering which is discarded after each use. Disposable towels or clean reusable towels which have been laundered between children shall be used for cleaning children. Personnel shall wash their hands before and after diapering each child.

Mini-day care programs and day care centers shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family. Soiled reusable diapers shall be placed without rinsing into separate cleanable covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Diapers shall be removed from the mini-day care centers and day care centers at least daily. Diaper-changing procedures shall be posted at the changing areas.

Cribs - Cribs shall be made of wood, metal or approved plastic and have secure latching devices. Cribs purchased for the use of infants under six months of age shall have no more than two and three-eights inches space between vertical slats. Cribs currently on hand which do not meet the spacing requirements may be used provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats. Mattresses shall fit snugly to prevent the infant being caught between the mattress and crib side rails. Crib mattresses shall be waterproof and easily sanitized.

Nursing Consultation - Facilities caring for five or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children. In collaboration with the agency's administrative staff, the nurse shall be responsible for advising the agency on the operation of its infant care program and on the implementation of its child health program. The nurse's name and telephone number shall be posted or otherwise available in the agency.

1130. INFANT NUTRITION

WAC 388-73-146 Infant Care.
This section is applicable only to day care centers and to mini day care programs.

Feeding of Infants - Formula feeding of infants (under one year of age) shall be on a schedule agreed upon by the child's parent(s), guardian, the placement agency, and the licensee.

Feeding prepared on the premises of the facility:

Any formula provided by the parent(s), guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

If the container in which the feeding was purchased does not inlcude a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in the kitchen.

Bottles filled on the premises of the facility should be refrigerated immediately if not used and contents discarded if not used within twelve hours.

If bottles and nipples are to be reused by the facility, they must be sanitized by boiling for five minutes or more just prior to refilling. Terminal (one-step) sterilization of bottles, nipples, and formula is acceptable.

When more than one bottle-fed child is in care, bottles shall be labeled with the child's name and date prepared. Milk for children requiring bottles but no longer on formula shall be poured from the original container into sanitized, labeled bottles. Sanitized nipples only shall be used on these bottles.

Feeding brought to the child care facility:

Bottles brought into the facility shall have a label showing the child's name and date the bottle was prepared.

Bottles shall be refrigerated immediately upon arrival at the facility and contents discarded if not used within twelve hours.

Bottles shall not be propped. Semi-solid foods shall be provided for infants at between four and five months of age, upon consultation with the parent/placement agency and/or with a physician when indicated. Infants too young to sit in high chairs shall be held in a semi-sitting position for all feedings. Infants six months of age or over who show a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. Bottles shall be taken from the child when he/she finishes feeding or when the bottle is empty. See also WAC 388-73-144.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

WAC 388-73-106 Storage.
Suitable space shall be provided and used for the storage of clothing and personal possessions of person in care, play and teaching equipment and supplies, records and files, cots, mats and bedding.

Cleaning supplies, toxic substances, poisons, aerosols and items bearing warning labels shall be stored so as to be inaccessible to preschool children and other persons with limited mental capacity.

WAC 388-73-460 Play Areas--Day Care Centers.
The requirements for play areas specified for mini-day care centers in WAC 388-73-440 also apply to day care centers.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

WAC 388-73-120 Lighting.
Light fixtures shall be selected and located to provide for the comfort and safety of the persons under care. Lighting itensities shall be at least fifteen foot candles for all rooms and areas used for care, except for classrooms, study areas and food service areas, which shall be thirty foot candles.

WAC 388-73-128 Temperature.
Temperature within the facility shall be maintained at not less than 68 degrees F. during waking hours, and at not less than 60 degrees F. during sleeping hours.

WAC 388-73-130 Ventilation.
The facility shall be ventilated to assure health and comfort of the persons under care. Toilets, bathrooms and areas containing housekeeping sinks which do not have windows opening to out of doors shall be vented by mechanical exhaust to the out of doors.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

WAC 388-73-118 Toilets, Lavatories and Bathing Facilities.

There shall be at least one indoor flush type toilet and one lavatory with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	Toilets	Lavatories	Bathing Facilities
Day Care Centers Day Treatment Programs	2 minimum and 1:15 or major fraction	2 minimum and 1:15 or major fraction	None Required

Toilet and bathing facilities shall provide for privacy for persons of the opposite sex who are six years of age or older.

Toilets, urinals and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform.

For facilities licensed for the care of seven or more persons, lavatories and bathing facilities shall be provided with hot and cold or tempered running water which shall not exceed 110 degrees F. for preschool or mentally retarded children and 120 degrees F. for all others.

All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as non-skid pads, are approved by the department.... Preschool children shall not be left unattended in a bathtub.

Equipment for toileting and toilet training of toddlers shall be provided and maintained in a sanitary condition at all times. Infants in diapers and those using toilet training equipment need not be included when determining the number of flush-type toilets required.

Whenever urinals are provided, one toilet less than the number specified may be provided for each urinal installed except that the number of toilets in such cases shall not be reduced to less than two-thirds of the minimum specified....

Soap and individual towels or disposable towels shall be provided.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

WAC 388-73-019 Effect of Local Ordinances.
Licenses are issued or denied on the basis of applicants' compliance with the departments' minimum licensing requirements. The enforcement of local ordinances such as zoning regulations and local building codes is the responsibility of appropriate local officials.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are to the West Virginia Department of Welfare, Licensing Requirements for Day Care Centers, December, 1974.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

W. VA. CODE §49-1-5 Definitions of Other Terms.
"Child welfare agency" means any agency or institution maintained by a municipality or county, or any agency or institution maintained by a person, firm, corporation, association or organization to receive children for care and maintenance or for placement in a family home, or day care center or any institution that provides care for unmarried mothers and their children, but shall not include county shelters established and maintained for the detention of delinquent children or those charged with delinquency.

Section I Day Care Center Licensing Information.
DAY CARE CENTER: Any child care facility serving seven or more children for part of the day for three or more hours. There are two types of day care facilities in West Virginia: the voluntary, nonprofit day care center and the proprietary day care center.

VOLUNTARY, NONPROFIT DAY CARE CENTER: This type of facility is operated as a community service without expectation of financial gain. It is responsible to a governing board and is incorporated through the Secretary of State of West Virginia. By corporate law, church-sponsored facilities are not authorized to incorporate. However, there shall be an advisory board or governing body for the day care center. It is a requirement that a voluntary, nonprofit day care center shall have a governing board and the board of directors shall have the following responsibilities:

To submit to the Secretary of State of West Virginia the articles of incorporation;

To establish written policies and bylaws;

To finance the center and to maintain an operating budget;

To file with the Licensing Board the names, addresses, telephone numbers, and terms of service of the current officers and board members and to advise the Licensing Board of any changes therein;

To hold meetings as often as necessary, with at least four meetings a year;

To keep accurate and up-to-date records of meetings and conduct of business;

To designate a director or operator of the center, with assigned responsibilities; and

To interpret to the community the day care center's purpose and program.

PROPRIETARY DAY CARE CENTER: This type of facility is operated by an individual or group of individuals with the expectation of financial gain. It may be incorporated through the Secretary of State of West Virginia.

112. Exclusions and Exemptions

W. VA. CODE §49-1-5 Definitions of Other Terms.
"Child welfare agency shall not include county shelters established and maintained for the detention of delinquent children or those charged with delinquency.

Section I Day Care Center Licensing Information.
The term DAY CARE CENTER DOES NOT INCLUDE: (1)* kindergarten or nursery schools which operate on one-half day schedules with each session admitting different children; (2)* facilities operated for the care of transient children on a temporary or irregular basis for short periods of time while parents are shopping or keeping appointments (in such a facility, children are not served on a daily, repetitive basis, regardless of the length of time); (3)* summer recreation camps; nor (4) family and in-home day care when fewer than seven children are served.

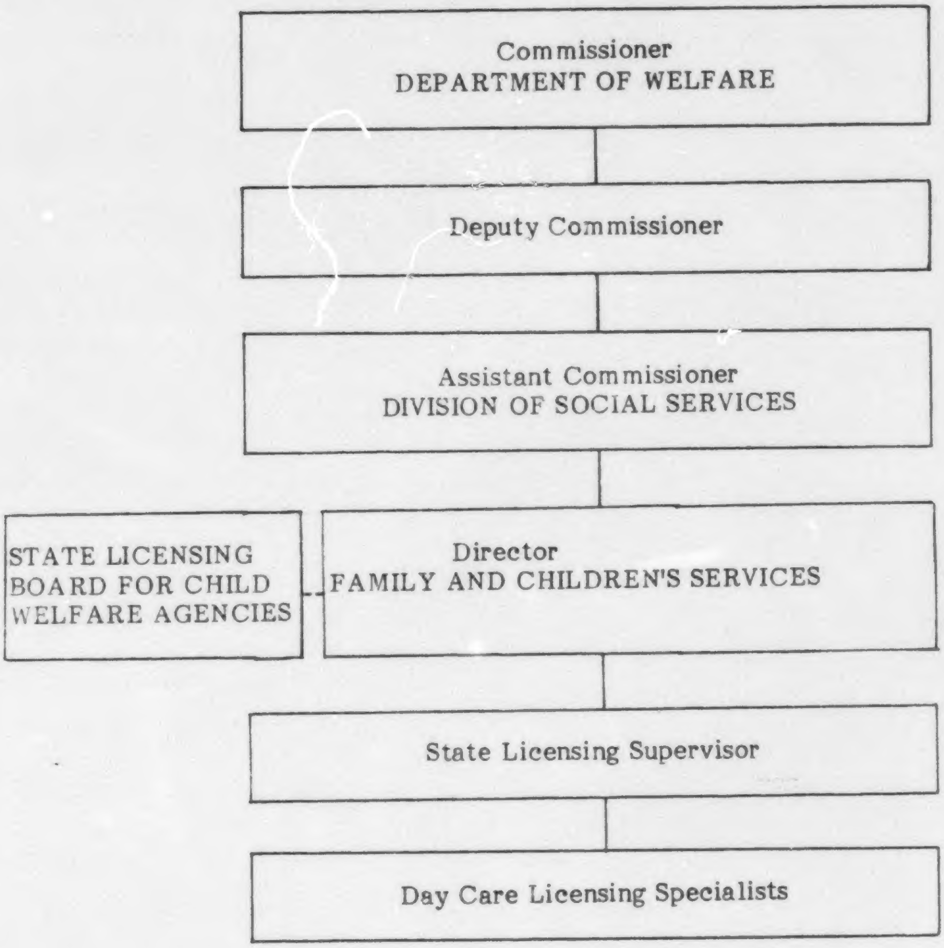
*These facilities, however, are required to meet State fire and health regulations.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Commissioner
DEPARTMENT OF WELFARE
Deputy Commissioner
Assistant Commissioner
DIVISION OF SOCIAL SERVICES
STATE LICENSING BOARD FOR CHILD WELFARE AGENCIES
Director
FAMILY AND CHILDREN'S SERVICES
State Licensing Supervisor
Day Care Licensing Specialists

Licenses are issued by the State Licensing Board for Child Welfare Agencies composed of the Commissioner of the Department of Welfare, the Commissioner of the Department of Health, and three other persons appointed by the Governor. The day to day monitoring functions are handled by staff working under the direct supervision of state central office staff. Family day care homes are regulated by state staff in 27 local offices under supervision of the state central office; only family day care homes receiving Title XX funds are regulated.

122. Responsible Official

All inquiries should be addressed to:

State Licensing Supervisor
Family and Children's Services
Division of Social Services
Department Street, N.E.
Charleston, West Virginia 25305
(304) 348-7980

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

W. VA. CODE § 49-2-3 Development of Standards of Child Care.
The State Department, in cooperation with the State Department of Health and with the child welfare agencies, shall formulate and make available standards of child care and services for children, to which all child welfare agencies must conform."

212. Advisory Body and Other Community Participation

Section I Day Care Center Licensing Information.

LICENSING BOARD: A board consisting of the Commissioner of Welfare, the State Director of Health and three persons appointed by the Governor of the State of West Virginia. This board meets to review applications and findings of fact concerning child caring facilities. The Licensing Board shall decide whether the applicant shall be granted regular license, provisional license, denial of license or revocation of license.

220. LICENSING PROCEDURE

221. Application and Issuance

W. VA. CODE §49-2-4 Child Welfare Agencies - License Required.

No person, firm, corporation, association, organization, municipality, or county may establish or maintain a child welfare agency unless licensed to do so by the State Licensing Board. Applications for such licenses shall be made on forms provided by the State Department of Welfare (Form SLB-1) and approved by the State Licensing Board. Forms shall be completed with all information required or the application will be invalid. Applications for licenses to operate day care centers must be accompanied by:

Current fire inspection report by the State Fire Marshal's Office.

Current Health inspection report by the State Department of Health, Division of Sanitation.

Current Nutrition inspection report by the Bureau of Nutrition, State Department of Health.

A license to operate a day care center shall be valid for:

The number of children specified;

The ages of children specified;

The period of time specified;

The facility and address specified; and

The services specified.

Appendix A West Virginia Public Welfare Law.
A REGULAR LICENSE is good for a two-year period, providing the agency remains in total compliance.

A license granted by the State Licensing Board is not transferable. Therefore, a change in ownership or sponsorship shall require a new application for licensure.

222. Fee Charged

Not specified

223. Areas of Investigation

W. VA. CODE §49-2-4 Child Welfare Agencies - License Required.
Before issuing licenses, the Licensing Board shall investigate the activities and standards of care of the applicant. If satisfied as to the need for the agency, as to the financial stability, equipment, good character and intent of the applicant, and that the services are conducive to the welfare of the children, a license shall be issued.

224. License Renewal

W. VA. CODE §49-2-4 Child Welfare Agencies — License Required.
A day care center operating under a regular license and wishing to continue operation should make application for renewal of license at least one month prior to the expiration date of the regular license. Any licensed day care center failing to apply for and receive a renewal of its license shall thereafter discontinue receiving children.

225. Conditional/Provisional Licenses

Appendix A West Virginia Public Welfare Law.
THE PROVISIONAL LICENSE is good for a limited period of time, usually three months. Such a license may be granted when an applicant does not meet prescribed standards, if satisfactory evidence is presented that the applicant is making progress toward meeting prescribed standards.

The Licensing Board may, at its discretion, reissue such temporary license for additional periods, not to exceed three provisional periods, a total of one year.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

W.VA. CODE §49-2-4a Same - State Licensing Board.
It shall be the responsibility of the Licensing Board to have evaluated at regular intervals all licensed child welfare agencies within the State.

W. VA. CODE §49-2-8 Same - Operation Without A License.
A day care center shall not operate without a license. Whenever the State Licensing Board shall be advised or shall have reason to believe, that any person is conducting or maintaining a child welfare agency without a license it shall have an investigation made, and if the person is conducting a child welfare agency, it shall either issue a license or take action to prevent continued operation of the agency.

Appendix A West Virginia Public Welfare Law.
Deficiencies, offenses or violations made known concerning a day care center in operation shall be immediately investigated and such action taken as the Licensing Board deems necessary.

232. Denial, Suspension, Revocation of a License

Appendix A West Virginia Public Welfare Law.
A license to operate a day care center may be refused by the State Licensing Board on the basis of noncompliance with standards and regulations.

W. VA. CODE §49-2-7 Same - Revocation of License.
A license to operate a day care center may be revoked by the State Licensing Board in case the licensee willfully violates any provision of the law and/or fails to maintain established standards of care and service.

233. Remedies and Sanctions

233.1 Hearings

W. VA. CODE §49-2-7 Same - Revocation of License.
No license of a day care center shall be revoked or its renewal refused unless the holder of the license shall have at least thirty (30) days' notice in writing of the grounds of the proposed revocation or refusal. If such revocation or refusal is protested by a writing filed with the Licensing Board within such thirty-day period, a hearing shall be held, upon at least thirty (30) days' written notice to the protestant, at such place as the Licensing Board may determine, and opportunity shall be given for presentation of testimony and cross-examination of witnesses.

233.2 Decisions
Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Section II-A Facility Administration.

REGULATION: A day care facility shall have written policies covering the following areas:

The type of service to be offered to children served;

Admission requirements and enrollment procedure;

Fees charged and plan for payment;

Liability insurance coverage;

Provision for special needs of individual children;

Transportation arrangement, when provided by the facility; and

Permission by parent(s) or guardian(s) for trips outside the day care facility.

COMPLIANCE REQUIREMENTS: Written policies shall be available, discussed with each staff member, and with parents at the time of enrollment of the child.

Section II-B Program.

REGULATION: A day care facility serving "drop-in" children shall provide a program that reflects the special needs of those children.

COMPLIANCE REQUIREMENTS:

Sufficient personnel shall be available to effectively handle admission records, irregular check-in and check-out times and explanation of policies including financial arrangements.

Children displaying unusual anxiety symptoms shall be given special consideration.

"Drop-ins" shall be counted in the total daily enrollment and at no time shall the center extend the number of children for which it is licensed.

Section II-C Staffing.

REGULATION: The operator and/or director of a day care facility shall have the skills necessary to manage a day care facility, the ability to relate effectively to parents and community, the ability to plan and conduct regular staff meetings and to provide staff training, and the ability and willingness to provide a child care program which meets the standards set forth in these requirements.

COMPLIANCE REQUIREMENTS: The operator/director of a day care facility shall:

Be responsible for providing a child care program and facility which meets the standards set forth in this document.

Be responsible for maintaining adequate records on enrollment, attendance, finances, staff and children.

Be responsible for submitting reports to the Licensing Board, when requested.

Be responsible for screening, scheduling and supervising the conduct of any staff, volunteers or others who provide services in the facility.

Be responsible for cooperating with the licensing specialists and other appropriate agencies in efforts to improve the quality of care and competence of staff.

Be responsible for keeping the Licensing Board advised of changes in ownership, directorship and facilities.

Be responsible for planning and/or conducting regular staff meetings, at least once a month, and assuring adequate supervision of the children if meetings are held during regular operating hours.

Appendix A West Virginia Public Welfare Law, Display of License.
The license issued must be conspicuous to public view near the entrance to the center.

312. Telephone

Section II-B Program.
REGULATION: A day care facility shall have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children in care to provide for the reasonable comfort and convenience of children, staff and parents.

COMPLIANCE REQUIREMENTS: There shall be a telephone in the day care facility.

313. Proof of Operator Financial Capabilities

See 223. Areas of Investigation

314. Insurance

Section II-A Facility Administration.
REGULATION: Liability insurance coverage. A day care facility shall have written policies covering liability insurance coverage.

COMPLIANCE REQUIREMENTS: Written policies shall be available, discussed with each staff member, and with parents at the time of enrollment of the child.

Section II-D Health, Nutrition and Safety.
REGULATION: All day care programs shall take health and safety precautions within the facility.

COMPLIANCE REQUIREMENTS: All day care programs shall carry liability insurance to protect the child, the staff and the facility in case of accident.

320. PERSONNEL

321. Publication of Personnel Policies

Section II-C Staffing.
REGULATION: In choosing an appropriate staff, the day care facility shall provide job descriptions and shall have clearly defined personnel policies.

At the time of application for a license to operate a day care facility or at the time of application for renewal of license to operate a day care facility, job descriptions and personnel policies shall be submitted to the State Licensing Board.

COMPLIANCE REQUIREMENTS: An individual job description for each staff position shall include the following information:

Position title
Position qualifications
Position duties and responsibilities

Personnel policies of the day care facility shall include the following information:

Length of work day and work week
Sick leave provisions
Vacation time and paid holidays
Fringe benefits
Probationary periods and tenure provisions
Health and medical requirements
Staff meetings and staff training
Termination procedures

322. Constraints Against Employment

Section II-C Staffing.
REGULATION: No individual who has been convicted of child abuse, neglect or sexual abuse, or is awaiting hearing on such charges, shall be employed or retained in the day care facility.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Section II-A Facility Administration.
REGULATION: The admission policies and procedures of a day care facility shall be nondiscriminatory in regard to race, color, creed, religion, sex, national origin, age or marital status of parents.

COMPLIANCE REQUIREMENT: The written admission policies shall include a statement that the facility is operated on a nondiscriminatory basis, and the practice of this policy is demonstrated through equal treatment in regard to race, color, creed, religion, sex, national origin, age or marital status of parents.

340. RECORDS REQUIREMENTS

341. Children

Section II-A Facility Administration.

REGULATION: A day care facility shall have information and instructions from the parents to enable the staff to make decisions or act on behalf of the child.

COMPLIANCE REQUIREMENTS: Records shall be maintained, updated and available for inspection by the Licensing Specialist who shall maintain strict confidentiality.

Such records shall cover:

The child's name, birthdate, address;

The parent(s) or guardian(s') name, home and business addresses and telephone numbers;

Names, addresses and telephone numbers of persons who can assume responsibility for the child if the parent(s) or guardian(s) cannot be reached in an emergency;

Names, addresses and telephone numbers of persons authorized to take the child from the day care facility;

Health and developmental information concerning the child, including current reports of physical examinations, immunizations and lists of allergies, if any;

Name, address and telephone number of the doctor who should be contacted in case of a medical emergency;

Parent(s) or guardian(s') signed permission for emergency medical service;

Daily attendance; and

Fee charged.

342. Staff

Section II-C Staffing.

REGULATION: A day care facility shall have information about staff members prior to employment and shall update such information as appropriate after employment.

COMPLIANCE REQUIREMENTS: Records shall be maintained and kept current on all staff members of the day care facility, full-time, part-time and regular volunteer(s). These records shall be open for inspection, as required, to the Day Care Licensing Staff who shall maintain strict confidentiality. Such records shall include:

Name, address, telephone number, birthdate.

Name, address, telephone number of an individual who should be contacted in case of an emergency.

Qualifications for employment, including:
  Education;
  Training in relation to early childhood development;
  Past employment;
  Experience with children; and
  Written response from two references.

Current health information, including a complete physical examination prior to employment and an annual physical examination thereafter.

Date of current employment.

Section II-D Health, Nutrition and Safety.

REGULATION: Personal Health of Staff - Evidence shall be maintained at the day care facility that the staff are free from mental and physical health problems which may adversely affect their performance with children.

COMPLIANCE REQUIREMENTS: Written evidence shall be on file in the facility regarding preemployment physical examination of each adult employed.

Written evidence shall be on file in the facility attesting that each adult is free from communicable tuberculosis as a result of a negative tuberculin test or a satisfactory chest x-ray taken within six months prior to employment. Such tests shall be repeated annually.

There shall be health records on all personnel, including:

An annual report from a physician or health agency on the physical and emotional status of each staff member and regular volunteer; and

A record of accidents and sick leave of each staff member and regular volunteer.

All part-time staff shall be required to meet the health requirements of full-time staff.

All regular volunteers shall be subject to the same health requirements as are applicable to paid staff members.

There shall be provision for substitution for staff who are too ill to function effectively or who present a serious health hazard to others in the facility.

343. Child Eligibility and Enrollment Requirements

Section II-A Facility Administration.
REGULATION: The admission policies and procedures of a day care facility shall be established to aid the child in the day care experience.

COMPLIANCE REQUIREMENTS: Parent(s) or guardian(s) and child shall have a preadmission visit to the facility in order to prepare the child for the day care experience.

Parents and the director or designated staff member shall have a preadmission conference to discuss the child's developmental history, personal characteristics and special needs. Pertinent information affecting the child's health, safety and well-being shall be shared with staff working with the child.

Parents and the facility operator shall agree on fees, expectations, program and policies, prior to the admission of the child.

Parents shall furnish health records within seven days after the admission of the child. Emergency releases shall be furnished prior to the child's admission.

Parents shall complete and submit an application for day care services prior to the admission of the child.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

W. VA. CODE §49-2-5 Same - Supervision, Records and Reports.
All records regarding children and all facts learned about children and their parents or relatives shall be regarded as confidential and shall be properly safeguarded by the agency and the state department.

See also 341. Children.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Section II-C Staffing.

REGULATION: A day care facility shall have sufficient staff to provide continuous supervision (with provision to respond to an emergency), to offer individual attention to children and to interact with children for the benefit of the children's physical, social, emotional and intellectual well-being.

COMPLIANCE REQUIREMENTS: Ratios of day care staff to children shall be maintained as follows:

CHILDREN'S AGE	STAFF
2 years to 3 years	1 adult to 8 children
3 years to 4 years	1 adult to 10 children
4 years to 5 years	1 adult to 12 children
5 years to 6 years	1 adult to 15 children
School Age	1 adult to 16 children

The staff ratio shall be maintained at all times and at least two responsible adults shall be at the facility at all times.

Whenever a staff member is engaged in bookkeeping, cooking or other maintenance duties, he/she may not be counted as part of the staff-child ratio.

REGULATION: A day care facility shall have on its staff individuals with the skill and competency necessary to contribute to each child's physical, intellectual, emotional and social development.

COMPLIANCE REQUIREMENTS: A volunteer shall not be used to meet staff ratios except in instances of staff illness or emergency. However, under unusual circumstances, day care licensing staff may approve a volunteer in staff-child ratios when the volunteer meets at least the requirements of a teacher-aide and serves the center at least two hours daily on a regular basis.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section II-C Staffing.

REGULATION: A day care facility shall have on its staff individuals with the skill and competency necessary to contribute to each child's physical, intellectual, emotional and social development.

COMPLIANCE REQUIREMENTS: Each teacher of a day care facility shall be at least 18 years of age.

Each teacher-aide of a day care facility shall:

> Be at least 18 years of age, if full time. Part-time teacher aides, under age 16, shall obtain a work permit from the County Board of Education. All part-time teacher aides shall work only under the direct supervision of a full-time day care teacher.

512. Health

Section II-C Staffing.

REGULATION: A day care facility shall have on its staff individuals with the skill and competency necessary to contribute to each child's physical, intellectual, emotional and social development.

COMPLIANCE REQUIREMENTS: Each staff member shall:

> Be able to provide evidence that he or she meets the health requirements set forth in the health and sanitation section. A food handler's permit is required of all staff who prepare or serve meals and snacks.

See also 342. Staff.

513. Education

Section II-C Staffing.

REGULATION: A day care facility shall have on its staff individuals with the skill and competency necessary to contribute to each child's physical, intellectual, emotional and social development.

COMPLIANCE REQUIREMENTS: Each teacher of a day care facility shall have at least a high school education or certified equivalency.

514. Experience

Section II-C Staffing.

REGULATION: A day care facility shall have on its staff individuals with the skill and competency necessary to contribute to each child's physical, intellectual, emotional and social development.

COMPLIANCE REQUIREMENTS: Each staff member shall:

Be able to read and write.

Be able to carry out a program emphasizing child development.

Be able to work with children without recourse to physical or emotional punishment.

Be able to praise and encourage children and provide them with a variety of learning and social experiences appropriate to the age of the children served.

Be able to communicate with parents and children.

Be able to recognize and act against hazards to physical safety and mental health.

Be able and willing to increase skills and competence through experience, training and supervision.

Be able to demonstrate dependability, patience, maturity of judgment, warmth, flexibility and understanding.

Each teacher of a day care facility shall:

Be able to plan and carry out a program emphasizing child development.

Each teacher-aide of a day care facility shall:

Be able to assist teachers in program and activities.

Be able to supervise children's play as directed.

Be able to prepare equipment and supplies for group activities.

Be able to interact with children who require special attention.

Be able to watch over sleeping children.

Be able to serve meals and snacks.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Section II-C Staffing.
REGULATION: The operator and/or director of a day care facility shall have the skills necessary to manage a day care facility, the ability to relate effectively to parents and community, the ability to plan and conduct regular staff meetings and to provide staff training, and the ability and willingness to provide a child care program which meets the standards set forth in these requirements.

COMPLIANCE REQUIREMENTS: The operator/director of a day care facility shall be at least 21 years old.

522. Health

See 342. Staff

523. Education

Section II-C Staffing.
REGULATION: The operator and/or director of a day care facility shall have the skills necessary to manage a day care facility, the ability to relate effectively to parents and community, the ability to plan and conduct regular staff meetings and to provide staff training, and the ability and willingness to provide a child care program which meets the standards set forth in these requirements.

COMPLIANCE REQUIREMENTS: The operator/director of a day care facility shall be at least high school educated.

524. Experience

Section II-C Staffing.

REGULATION: The operator and/or director of a day care facility shall have the skills necessary to manage a day care facility, the ability to relate effectively to parents and community, the ability to plan and conduct regular staff meetings and to provide staff training, and the ability and willingness to provide a child care program which meets the standards set forth in these requirements.

COMPLIANCE REQUIREMENTS: The operator/director of a day care facility shall be able to provide evidence of one year work experience in a program for young children. Owners/directors who cannot establish previous working experience with young children shall employ a full-time staff person with one year work experience in a program for young children.

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Section II-C Staffing.

REGULATION: The operator and/or director of a day care facility shall have the skills necessary to manage a day care facility, the ability to relate effectively to parents and community, the ability to plan and conduct regular staff meetings and to provide staff training, and the ability and willingness to provide a child care program which meets the standards set forth in these requirements.

COMPLIANCE REQUIREMENTS: The operator/director of a day care facility shall be responsible for staff training and attendance at workshops and programs related to early childhood development, at least twice a year.

REGULATION: Training in a day care facility is essential to all who work with children and all who have an interest in their welfare. The day care staff needs to understand through a knowledge of child growth and development that children develop differently; that children have rights as individuals; that children need to experience pleasure in activities with others; that children need a routine; that parents are important to children; and that the customs and cultures of children shall be respected.

COMPLIANCE REQUIREMENTS: The responsibility for staff training rests with the director who shall Require each staff member to read and become familiar with day care licensing standards and requirements.

> Have regular in-service staff training at the day care facility, or in workshops and training programs at the facility or away from the facility.

Section II-D Health, Nutrition and Safety.

REGULATION: The day care facility shall be prepared to respond quickly and appropriately to sudden illnesses or accidents.

COMPLIANCE REQUIREMENTS: In-service training by qualified medical personnel for all day care staff shall include discussion of illness and symptom observation and evaluation.

REGULATION: There shall be dental health programs designed to effect good oral hygiene, education and practice.

COMPLIANCE REQUIREMENTS: Oral hygiene concepts shall be a part of in-service training programs.

See also 721. General Safety Requirements

543. Support Staff

Section II-C Staffing.
REGULATION: A day care facility shall have on its staff individuals with the skill and competency necessary to contribute to each child's physical, intellectual, emotional and social development.

COMPLIANCE REQUIREMENTS: Each day care center utilizing volunteer services shall provide orientation training and supervision.

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Section II-B Program.
REGULATION: The program conducted in a day care facility shall provide:

> Experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being.
>
> Both active and passive learning experiences which promote the development of skills, social competence, self-esteem and positive self-identity.

COMPLIANCE REQUIREMENTS: The program conducted in a day care facility shall:

> Provide a variety of games, toys, books, crafts and other materials sufficient to allow a choice at all times.
>
> Provide a written schedule of daily activities, with a reasonable routine for meals, snacks, sleep, nap-time and indoor and outdoor play.

Provide the children with freedom to go to the toilet and to get a drink of water as they feel the need.

Provide activities indoors and outdoors which will allow the children to make use of both large and small muscles.

Provide experiences and equipment appropriate to the age and stage of development of the individual child.

Provide one hour of outdoor play daily, weather permitting, in all seasons of the year.

Provide a balance of quiet and active, group and individual activities with sufficient flexibility to respond to the needs of individual children.

Provide for individual self-expression in conversation, imaginative play and creativity.

Provide for running, climbing and other vigorous physical activities.

Provide learning experiences regarding the value of food in relation to growth and development.

Provide field trip visits to places of interest in the community.

Provide opportunities for the child to participate in such activities as preparing for meals, taking out and putting away materials and caring for his own clothing and bedding.

Provide respect for each child as an individual, allowing for choice of activities and interests.

Provide a variety of social experiences. Grouping arrangements shall take into account the child's level of maturity. Mixed-age experiences shall also be provided.

Section II-D Health, Nutrition, and Safety.

REGULATION: There shall be dental health programs designed to effect good oral hygiene, education and practice.

COMPLIANCE REQUIREMENTS: The day care facility shall utilize dental health consultation.

Children shall be provided appropriate opportunities for supervised practice of good oral hygiene.

Section II-E Developmental Needs of the Children.

REGULATION: There shall be staff interaction with children in a personal way in order to further stimulate physical, intellectual and emotional growth.

COMPLIANCE REQUIREMENTS: There shall be frequent verbal communication between staff and children.

There shall be eye-to-eye contact with the children.

There shall be immediate attention to the physical needs of children. No crying shall be ignored and no child shall be routinely left on a cot except for rest or sleep.

There shall be an opportunity for each child to identify regularly with one adult staff member who is able to provide reassurance and consolation and establish behavior limits.

612. Program Equipment and Materials

Section II-B Program.

REGULATION: A day care facility shall have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children in care to provide for the reasonable comfort and convenience of children, staff and parents.

COMPLIANCE REQUIREMENTS: There shall be equipment in sufficient quantity to allow at least two outdoor play experiences for each child.

REGULATION: The amount and variety of materials and equipment available and its arrangement and use, shall be appropriate to the developmental needs of the children in care.

COMPLIANCE REQUIREMENTS: Provide materials and equipment of sufficient quantity so that children may make choices in what they want to do or play.

Provide storage for materials in an orderly way, arranged so that children may select, remove and replace them either independently or with assistance.

Provide furniture that is safe, durable, child-size and appropriate for the age level of the children.

Provide basic equipment that includes building materials, wheel toys, dramatic play materials, manipulative play materials, creative materials, reading materials, music materials, climbing apparatus and the like.

613. Nap Provision

Section II-B Program.

REGULATION: The program conducted in a day care facility shall provide:

Experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being.

Both active and passive learning experiences which promote the development of skills, social competence, self-esteem and positive self-identity.

COMPLIANCE REQUIREMENTS: The program conducted in a day care facility shall:

Provide a designated area where the child can sit quietly or lie down to rest. There shall be a nap period of at least one hour for children who need it and, for the children unable to sleep, time and space for rest and quiet play shall be available. Sleep and rest periods shall be under adult supervision at all times.

REGULATION: A day care facility shall have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children in care to provide for the reasonable comfort and convenience of children, staff and parents.

COMPLIANCE REQUIREMENTS: There shall be an individual cot, sheet and blanket for each child two to six years of age. There shall be two feet of space from cot to cot, and an aisle of at least two feet between rows of cots.

614. Discipline and Guidance

Section II-B Program.

REGULATION: The children's behavior shall be enhanced by positive guidance, redirection and the setting of clear-cut limits which foster the child's own ability to be self-disciplined.

Staff shall not use spanking or other forms of corporal punishment.

COMPLIANCE REQUIREMENTS: Children shall be disciplined with kindness and understanding.

Behavior problems shall be treated individually and privately.

Staff shall not use punishment which is humiliating, shaming, frightening or otherwise physically or emotionally damaging to children.

Punishment shall not be associated with food, rest, toileting (training) or isolation for illness.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Section II-C Staffing.
REGULATION: A day care facility shall have information about staff members prior to employment and shall update such information as appropriate after employment.

COMPLIANCE REQUIREMENTS: Records shall be maintained and kept current on all staff members of the day care facility, full-time, part-time and regular volunteer(s). These records shall be open for inspection, as required, to the Day Care Licensing Staff who shall maintain strict confidentiality. Such records shall include:

> Current health information, including a complete physical examination prior to employment and an annual physical examination thereafter.

Section II-D Health, Nutrition and Safety.

REGULATION: Evidence of the general state of each child's health, presented by the child's parent or guardian upon admission to the day care facility, shall be maintained by the day care operator and kept up-to-date on a yearly basis.

COMPLIANCE REQUIREMENTS: A current written statement from a physician describing the child's health status, indicating any unusual condition of which the staff must be aware.

See also 342. Staff

712. Health Assessments

See 711. General Health Requirements

713. Immunizations

Section II-D Health, Nutrition and Safety.

REGULATION: Evidence of the general state of each child's health, presented by the child's parent or guardian upon admission to the day care facility, shall be maintained by the day care operator and kept up-to-date on a yearly basis.

COMPLIANCE REQUIREMENTS: A record of immunizations, signed by a physician or by a public health official, on file at the facility for each child in day care. Immunizations shall include rubella, measles, whooping cough, diphtheria, tetanus, poliomyelitis and others designated by the West Virginia Department of Health. Immunizations, if not complete at the time of the child's admission to the day care facility, must be completed within six months.

714. Sanitation

Not specified

715. Daily Illness Screening

Section II-D Health, Nutrition and Safety.
REGULATION: All day care programs shall take health and safety precautions within the facility.

COMPLIANCE REQUIREMENTS: All day care programs shall observe each child daily for symptoms of illness or injury.

716. Care of Sick Children

Section II-D Health, Nutrition and Safety.
REGULATION: All day care programs shall take health and safety precautions within the facility.

COMPLIANCE REQUIREMENTS: All day care programs shall:

Notify parent(s) or guardian(s) immediately of illness or injury to the child.

Record accidents, illnesses or injuries and file in the child's folder.

Separate from the group any child who becomes ill or who is suspected of illness. The child must be under the supervision of an adult at all times.

Remove a sick child from the facility as soon as possible if his illness is communicable or the facility is unable to properly care for his needs.

717. Medication and Special Diet Provisions

Section II-D Health, Nutrition and Safety.
REGULATION: All day care programs shall take health and safety precautions within the facility.

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COMPLIANCE REQUIREMENTS: Give the child medication only by request of and with written permission from the parent(s) or guardian(s).

Administer prescriptive medication only from the original bottle and with a current prescription from a physician.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Section II-D Health, Nutrition and Safety.

REGULATION: The day care facility shall be prepared to respond quickly and appropriately to sudden illnesses or accidents.

COMPLIANCE REQUIREMENTS: At least one adult staff member who has received or who is receiving a minimum of eight hours training in principles of first aid shall be on the premises at all times when children are in attendance.

Section II-D Health, Nutrition and Safety.

REGULATION: All day care programs shall take health and safety precautions within the facility.

COMPLIANCE REQUIREMENTS: All day care programs shall arrange fc parent(s), guardian(s) and/or staff to sign-in and sign-out each child daily.

REGULATION: Operators of day care facilities shall ensure that the day care program and premises minimize the risk of accidental injury.

COMPLIANCE REQUIREMENTS: Day care activities and premises do not expose children to situations which may be hazardous to the particular age or capacity of the child.

Electrical cords shall be insulated and in good repair.

Electrical outlets within reach of children shall be protected by a shield when not in use.

Electrical appliances, such as hot plates and coffee pots, shall not be stationed in children's areas. An appliance may be used for program under adult supervision, but must be removed from the children's areas immediately after use.

Hot pipes and radiators shall be shielded.

No space or open flame heaters shall be used without prior approval by the State Fire Marshal's Office.

Approved floor coverings shall be firmly anchored.

Doors shall close properly and all fire doors shall be kept closed at all times.

All lead paint shall be removed from the premises.

Plastic bags shall not be used in areas accessible to children.

Venetian blind cords, and other hanging cords, shall be tied above the reach of children.

Table cloths and other hanging items which can be pulled by children shall not be used.

Small items which can be swallowed shall not be accessible to children.

Household cleansers, chemicals and medicines shall be out of reach of children, locked in a cabinet and kept away from foodstuff.

Lock tops shall be on all medications.

Containers originally designed for edibles shall not be used for the storage of toxic or medicinal materials.

When off premises, children shall be kept in a group with at least two supervisors, one each at front and rear of group. Children shall be taught to hold hands, stay in a line or to hold to a safety rope.

722. Fire Safety Requirements

Section II-D Health, Nutrition and Safety.
REGULATION: All day care programs shall take health and safety precautions within the facility.

COMPLIANCE REQUIREMENTS: All day care programs shall establish and post a disaster plan for fire, storms and other emergencies, in accordance with policy suggestions from the State Fire Marshal, the Red Cross and/or other community resources.

Conduct fire safety drills twice a month and keep a written record of the drills.

See also 1320. FIRE

723. Transportation

Section II-A Facility Administration.
REGULATION: When transportation is provided by a day care facility, directly or through contract, the facility shall be responsible for the health, safety and welfare of the children.

COMPLIANCE REQUIREMENTS: The driver of the vehicle transporting the children shall be at least 18 years of age and not more than 65 years of age, unless certified for the job by a physician, and shall meet the personal and health qualifications of other staff.

The driver of the vehicle shall hold an appropriate license to transport children as required by the State Department of Motor Vehicles.

The driver shall not leave the vehicle unattended while there are children in it.

The driver shall see that:

The vehicle is not overcrowded. No child shall share safety apparatus with another child.

No child stands in the vehicle while it is moving.

Good order is maintained for the safety of the children.

A responsible person delivers the child to the vehicle and meets the child when he is returned home. No child shall be left unattended.

The driver shall have knowledge of first aid or shall have an aide trained in first aid. There shall be an equipped first aid kit on the vehicle.

The driver shall maintain the vehicle in safe running condition at all times. The vehicle shall be equipped with safety locking devices on doors.

The driver shall conform to State vehicular laws, rules and regulations.

The driver shall operate a vehicle only if the vehicle used in transporting children is insured against liability.

724. Safety Requirements for Equipment

Section II-B Program.

REGULATION: The amount and variety of materials and equipment available and its arrangement and use, shall be appropriate to the developmental needs of the children in care.

COMPLIANCE REQUIREMENTS: The facility shall provide for immediate removal of broken or unsafe equipment.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Section II-D Health, Nutrition and Safety.

REGULATION: All day care programs shall take health and safety precautions within the facility.

COMPLIANCE REQUIREMENTS: All day care programs will:

maintain a current emergency card file accessible to all staff members and portable for trips off premises.

Arrange for a staff member to accompany and to remain with a child during emergency care or treatment until parent(s) or guardian(s) arrive, and provide substitute coverage for the other children at the facility.

Notify parent(s) or guardian(s) immediately of illness or injury to the child.

Arrange with a physician or other health source for emergency treatment of a sick or injured child.

727. First Aid Supplies

Section II-D Health, Nutrition and Safety.
REGULATION: All day care programs shall take health and safety precautions within the facility.

COMPLIANCE REQUIREMENTS All day care programs will:

Keep on hand an equipped first aid kit for every 20 children. A first aid kit must be taken by staff on all trips away from the facility.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section II-D Health, Nutrition Safety.
REGULATION: All day care facilities shall provide meals and snacks of a quantity and quality to supplement food served at home so that the daily nutritional needs of the child are met. Cultural and ethnic food appropriate to the children in the program and locality shall be a part of the meal planning.

COMPLIANCE REQUIREMENTS: All day care facilities shall consult with a nutritionist from the Bureau of Nutrition, West Virginia Department of Health, regarding compliance with nutrition standards.

Children who are at the day care facility for four hours or more shall be served a quantity of food which will supply at least one-third of the National Research Council's current recommended dietary allowances. Children in the day care program for more than eight hours shall receive a quantity of food that will supply one-half to two-thirds of the recommended dietary allowances, depending upon the portion of the day they are cared for.

At least one meal a day at the day care facility shall be a hot meal. Exceptions to the hot meal requirement can be made for special occasions. Snacks shall be served in mid-morning and mid-afternoon. For children who are served breakfast at the facility, the mid-morning snack may be eliminated.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section II-D Health, Nutrition and Safety.

REGULATION: All day care facilities shall provide meals and snacks of a quantity and quality to supplement food served at home so that the daily nutritional needs of the child are met. Cultural and ethnic food appropriate to the children in the program and locality shall be a part of the meal planning.

COMPLIANCE REQUIREMENTS: Menus for all foods served, including snacks, shall be written for a minimum of one week in advance and posted for parents to see.

Written menus as planned shall be followed and any changes deemed necessary shall be written on the menus.

Menus shall be dated, readily available to the food service staff and kept on file for a minimum of two months.

Food allergies and other allergies shall be posted in an easily observable location. Food allergies of specific children shall be known by the cook, staff members and substitute staff members having direct contact with these children.

Children shall be encouraged, but not forced to eat.

The staff shall eat with the children and shall eat the same food as the children unless on a medically-prescribed diet.

The children shall be seated family style to allow for socialization.

REGULATION: Drinking water shall be freely available to children of all ages.

COMPLIANCE REQUIREMENTS: The facility has potable water available to all children and the staff understands the necessity of this provision.

Children shall take a drink of water whenever they feel the need.

Drinking fountains, if provided, shall be at the ratio of one per each 40 children.

Drinking cups shall be single service and dispensed from an approved sanitary dispenser. Glasses may also be used, if washed and sanitized after each use.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Section III Supplemental Infant-Toddler Day Care Center Standards
An infant-toddler program shall be separately licensed. The program may provide care for children three months to two years old.

The procedures to establish an infant-toddler program and the general organization of the program shall follow the same requirements as those for day care facilities serving children two years of age and older. The facility shall meet all requirements of the State Fire Marshal's Office, the State Department of Health and the State Department of Welfare.

These are additional and specific regulations for infant-toddler care.

Section III-A Admissions.
Admission conferences with parent(s) or guardian(s) and the children's records shall also cover current feeding plans for the child.

Section III-B Transportation.
The driver shall be accompanied by an attendant if there are children under two years of age.

Approved infant seats shall be provided.

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Section III-C Program.

A day care facility serving children three months to two years shall provide an environment which protects the children from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional and social development.

There shall be a waking time crawl space of 25 square feet per infant and a waking time play area of 35 square feet per toddler.

There shall be an indoor area protected from general walkways within the facility where crawling children can be on the floor at least part of the day to explore.

There shall be sleeping equipment provided, including cribs for infants who have not yet begun to climb, and low cots provided for other children, with sheets and blankets.

There shall be sleeping areas which are buffered from activity areas. Space in the sleeping area shall allow for at least two feet between cribs, beds or cots.

There shall be no more than ten children within an activity's area.

There shall be low chairs and tables or infant seats with trays provided for table play and meal time for children no longer being held for feeding. High chairs, if used, must have a wide base and safety strap.

There shall be comfortable chairs provided for staff to use when feeding, holding or playing with the children.

There shall be other areas within the facility as well as out-of-doors where children are taken for a part of each day to provide some change of physical surroundings and social interaction opportunities.

There shall be infant seats, strollers and carriages available for outings. Children shall be taken outdoors daily unless it is raining or less than 40 degrees Fahrenheit.

There shall be soft, cuddly toys, crawl and climb equipment, large picture books, musical and story records and record player, pull and push toys, nesting blocks or similar size-sequence materials available for very young children.

There shall be crude crafts materials for drawing, cutting and pasting as well as playdough. All materials shall be nontoxic.

There shall be infant equipment, such as mobiles, that stimulate eye-hand coordination while the child is in the crib.

There shall be storage space for each child's belongings, including personal toilet articles (such as comb, toothbrush, washcloth, towel).

There shall be clean clothing changes for each child.

There shall be a coordination of the day care program so that the same outdoor areas are not used simultaneously by older children when infants are crawling and toddlers are playing. Unless adults are supervising on a one-to-one basis, infants and toddlers shall use only equipment of appropriate size.

Section III-D Staffing.

STAFF RATIOS:

Ratios of day care staff to children shall be maintained at all time as follows:

CHILDREN'S AGE	STAFF
3 months to 2 years	1 adult to 4 children

STAFF MEMBERS:

Each staff member shall file references of previous successful experience(s) in work with young children, as an employee or volunteer.

Each staff member shall present evidence of a negative tuberculin test taken within 30 days prior to employment by the day care facility and annually thereafter.

OPERATOR/DIRECTOR:

The operator/director of a day care facility shall:

Have the educational equivalent of six college credits in early childhood development.

Have a minimum of two years' experience in a program for young children.

Section III-E Staff Training.

A day care facility serving infants and toddlers shall provide a minimum of one week of staff training before the center will be approved for licensing and shall provide in-service training at least three times a year.

Section III-I Developmental Needs of the Children.

There shall be staff interaction with children in a personal way in order to further stimulate physical, intellectual and emotional growth. Specific requirements include:

There shall be frequent verbal communication between staff and children.

There shall be eye-to-eye contact with the children.

There shall be cooing, peekabooing and talking with infants and young children in order to nurture perception and language development.

There shall be physical stimulation for infants and toddlers through being held, rocked and played with, as well as through being dressed, bathed and carried; yet they shall be allowed some opportunities during the day when they can explore and learn on their own.

There shall be immediate attention to the physical needs of the child. No crying shall be ignored and no child shall be routinely left in a crib except for sleep or rest.

There shall be an opportunity for each child to identify regularly with one adult staff member who is able to provide reassurance and consolation and establish behavior limits.

1120. HEALTH AND SAFETY REQUIREMENTS

Section III-F Health.

A day care facility serving infants and toddlers shall:

Advise parent(s) or guardian(s) at the time of the child's enrollment of the center's health policies in respect to feeding, clothing, bathing and diaper-changing; the care of diapers, bed linen and training chairs; and the center's special safety precautions.

Follow a schedule of health care according to specifications of the State Department of Health:

Require the child's physical examination within seven days after his/her admission to the center.

Require immunizations along with physical examinations at age 4 months, 6 months, 12 months, 18 months and 24 months.

Refer children with persistent low-grade infections, or with any form of physical, mental or emotional problem(s), for immediate evaluation as soon as the condition is evident.

Maintain an ongoing relationship with a private physician or public clinic for regular and emergency consultation.

In addition to general health and safety requirements for all children, other requirements include:

A diapering station or shelf shall be adjacent to a sink.

An infant shall never be left unsupervised on a raised, unprotected surface.

A plastic basin or large sink shall be available for bathing children and cleaned after every use.

A fresh diapering surface shall be used for each child. A roll of paper towelling may be installed, or a clean towel, not reusable without laundering.

Soiled diapers, if reusable, shall be stored in a nonabsorbent, easily cleanable covered container.

Soiled disposable diapers shall be disposed of in a container with a tight-fitting lid.

Soiled diapers and clothing shall be rinsed, disinfected and washed by the center or a diaper service.

Extra clothing changes supplied by the parent(s) must be clean.

Crib linen must be freshly maintained and changed at least daily.

Staff shall wash hands before and after each diapering, and before and after the feeding of each child.

Potties or training chairs shall be sanitized after each use.

All infant-toddler equipment in communal use shall be maintained in a sanitary condition.

The nursery temperature may not exceed 85 degrees in hot weather or be less than 68 degrees in cold weather.

Section III-H Safety.
A child's environment shall be free of hazards. All precautions required in the regular licensing standards shall be met, as well as the following:

Equipment shall be checked to avoid the danger of a child's falling.

Crib sides shall be secure and high enough to prevent accidents.

Cots shall be sturdy and close to the floor.

High chairs shall be nontippable.

Staircases shall be gated.

Children in strollers or carriages shall be harnessed.

Small items which can be swallowed shall not be accessible to children.

1130. INFANT NUTRITION

Section III-G Nutrition.
Day care facilities serving infants and toddlers shall feed the children according to written plans from physicians, clinics and parent(s) or guardian(s). The feeding of infants and toddlers shall be given special consideration. Specific requirements include:

Information provided by health sources and parent(s) or guardian(s) concerning the child's eating habits, food preferences or special needs shall be considered in day care feeding schedules and menus.

Daily individual written records shall be maintained of all food consumed by each infant and toddler.

Children who cannot feed themselves shall be held or fed in infant seats or high chairs. (If possible, the feeding should be done by a staff person who is familiar to the child and who has been feeding the child regularly.)

Children shall not be fed in cribs and bottles shall not be propped.

Self-feeding shall be encouraged. The child should sit at a table with peers whenever he is mature enough to eat in a social manner.

Formulas shall be prepared at the facility. Bottles and all bottle parts and utensils for formula preparation shall be sterilized at the facility.

Milk or formula not finished by a child at one feeding must be immediately discarded. Bottles shall not be left on floors or in playpens to pass from one child to another.

Water shall be offered at intervals to infants and toddlers.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. Program of Activities

Section II-D Health, Nutrition and Safety.
REGULATION: When children with special needs are admitted to a day care facility, there shall be provisions to meet those needs. "Special needs" refer to a wide range of physical, mental or emotional conditions which affect the child's immediate social and physical adjustment and long range personal development.

Examples include:

Speech, visual and hearing deficiencies;
Mental retardation;
Behavioral/emotional disturbances;
Heart or lung ailments;
Diabetes;
Allergies;
Motor disturbances or paralysis; and
Extreme cultural deprivation.

Day Care Centers for Mentally Retarded Children shall follow guidelines established by the State Department of Mental Health, as well as these Licensing Standards.

COMPLIANCE REQUIREMENTS: When children with special needs are admitted, the responsible individual consults with the child's parents, the child's source of professional health care or, where appropriate, other health consultants.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Section II-D Health, Nutrition and Safety.
REGULATION: (See 1210. PROGRAM OF ACTIVITIES)

COMPLIANCE REQUIREMENTS: The appropriate staff of the facility receives instructions related to the nature of the disability, the child's potential for growth and development, his adjustment to the facility program and prescriptive plans to foster his development.

Where the nature of the special need or the number of children with special needs necessitates added care, sufficient staff and equipment is supplied to cover these needs.

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Section II-B Program.
REGULATION: A day care facility serving school-age children shall provide a program that is designed to complement and supplement the child's experiences at home and in school.

COMPLIANCE REQUIREMENTS: Opportunities for active play, for learning skills, for rest, for group discussion and for intellectual, physical, social and emotional development shall be provided, appropriate to the age, interests and capabilities of the individual child.

Qualified and sufficient staff shall be available to provide special attention to the school-age child.

1400. FACILITY REQUIREMENTS

1410. SPACE

Section II-B Program.
REGULATION: A day care facility shall have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children in care to provide for the reasonable comfort and convenience of children, staff and parents.

COMPLIANCE REQUIREMENTS: There shall be at least 35 square feet of indoor activities space per child available (exclusive of bathrooms, halls, kitchen, storage places, exit passages, fire escapes, laundry and furnace rooms and cabinets and stationary equipment areas).

There shall be at least 75 square feet of outdoor play space per child. Where outdoor area is limited, groups may be scheduled on playground in order to maintain the established minimum of 75 square feet per child. There shall be an enclosure surrounding the play area that is at least three feet high, and the enclosure material shall be safe for children. Use of a nearby playground shall be permitted provided that it has a safe access for children and provided that it is enclosed and adequately equipped.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Section II-B Program.

REGULATION: A day care facility shall have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children in care to provide for the reasonable comfort and convenience of children, staff and parents.

COMPLIANCE REQUIREMENTS: There shall be at least one hand-washing basin and one flush toilet for every 15 children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Section II-F Relocation, Renovation, Enlarging, Building of Day Care Facilities.

REGULATION: No person shall construct a building or structure to be used as a child care facility, or extend, alter or modify any structure used as a child care facility without first making written application to the State Department of Health and the State Fire Marshal's Office.

Construction, extension, alteration or modifications shall not commence until a permit has been obtained for such purpose from these agencies. Plans shall also be submitted to the State Licensing Board.

Facilities moving to a new location shall be evaluated by the State Department of Health, the State Fire Marshal and the State Department of Welfare to assure continued compliance with licensing requirements, and such facilities will not be acceptable until evaluated and approved. Thirty days notice shall be given the Licensing Board prior to relocating and a new application shall be submitted for the operation of a day care facility planned in the new location.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

See 1520. FIRE

Except where otherwise noted, all citations are from the Wisconsin Department of Health and Social Services, Chapter HSS 55, Day Care Centers for Children, May, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

HSS 55.04 Day Care Centers Defined.
STATUTORY DEFINITION. Day care centers are defined in s. 48.65, Stats.

ADMINISTRATIVE INTERPRETATION. For the purposes of licensing, the following administrative interpretations apply:

> Day care centers include day camps which provide an experience in cooperative living for periods of less than 24 hours a day in a seasonal program orientated to the out-of-doors and serve 4 or more children under the age of 7 at any one time.

HSS 55.06 Licenses.
LICENSING CATEGORIES. Day care centers are divided for licensing purposes into the following categories:

Family day care centers for 4 through 8 children.
Group day care centers for 9 or more children.
Day camps for 4 or more children under 7 years of age.

112. Exclusions and Exemptions

HHS 55.04 Day Care Centers Defined.

Day care centers exclude:

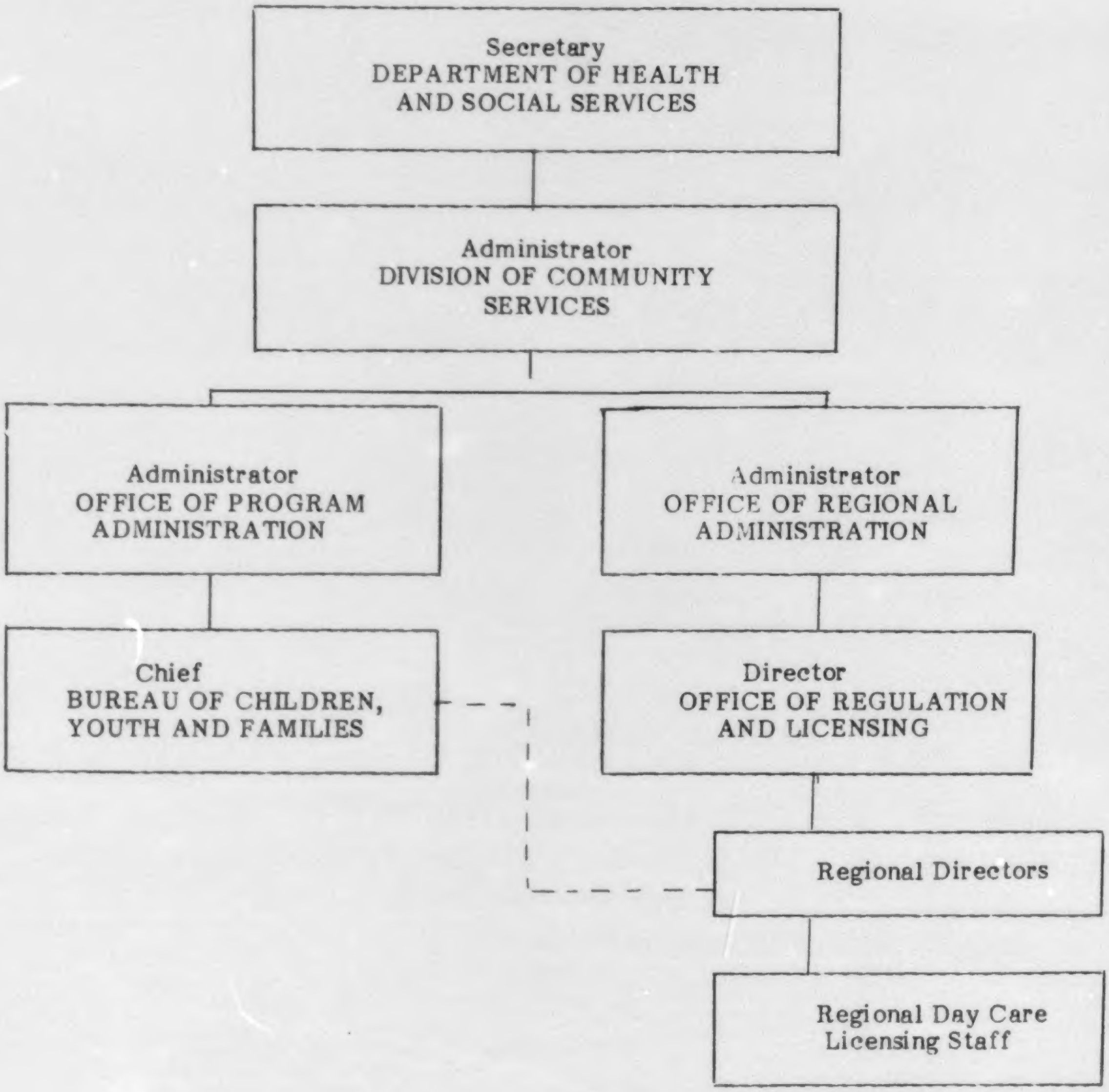
> Care and supervision of a short duration, usually occurring on a weekend or after school; including, but not limited to, social organizations, clubs, religious classes, Sunday schools and skill classes such as music, dance and art classes.
>
> Care and supervision of 4 or more children in a rare or emergency situation.
>
> Facilities offering care and supervision to individual children on an irregular and infrequent basis while the parents are engaged in non-work activities on the premises including, but not limited to, recreation and shopping.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Secretary
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Administrator
DIVISION OF COMMUNITY SERVICES
Administrator
OFFICE OF PROGRAM ADMINISTRATION
Administrator
OFFICE OF REGIONAL ADMINISTRATION
Chief
BUREAU OF CHILDREN, YOUTH AND FAMILIES
Director
OFFICE OF REGULATION AND LICENSING
Regional Directors
Regional Day Care Licensing Staff

The day care licensing staff are housed in six regional offices throughout the state. The line staff are responsible to the regional director who are answerable to the Administrator of the Office of Regional Administration. The Bureau of Children, Youth and Families, which is part of the Office of Program Administration, is responsible for providing technical assistance to the Line licensing staff, training assistance and other related support services. The Office of Regulation and Licensing is the state level unit responsible for monitoring the licensing functions on a day to day basis. Licenses are issued at the regional level and are signed by both the Secretary of the Department of Health and Social Services and the licensor. The county departments of health and social services, which are a part of the State Department of Health and Social Services, certify programs serving up to three children for Title XX and WIN funding. All legal support services are provided by the Office of Regulation and Licensing, and all policy development and other support services are provided by the Bureau of Children, Youth, and Families.

122. Responsible Official

All inquiries should be addressed to:

Chief, Bureau of Children,
Youth, and Family Services
Office of Program Administration
Division of Community Services
Department of Health and Social Services
1 West Wilson Street
Madison, Wisconsin 53702

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

HHS 55.03 Rules.

STATUTORY AUTHORITY. HSS 55 is promulgated *under s. 48.67, Stats., which gives the department authority to regulate day care centers. These rules have the full effect and force of law as provide in ch. 227, Stats.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Not specified

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

EXCEPTION TO RULES. The department may make an exception to a rule for licensing day care centers when it is assured that granting of the exception is not detrimental to the health, safety and welfare of children served. Exception requests shall be in writing and include an explanation of the alternative provisions planned to cover the intent of the rule.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

HSS 55.31 Organization and Administration.
ADMINISTRATION. The Licensee shall:

> Comply with all statutory requirements under which the rules in this chapter were promulgated.
>
> Comply with all applicable rules in this chapter.
>
> Designate, in writing, a Wisconsin resident who is responsible for ensuring compliance with all applicable statutes and rules, if the licensee resides in another state.
>
> Meet, upon request, with the licensing representative on matters pertaining to licensing.

232. Denial, Suspension, Revocation of a License

HSS 55.06 Licenses.
SUMMARY SUSPENSION OF A LICENSE. (a) Under the authority of s. *227.14 (3), Stats., the department may order the summary suspension of a license and, therefore, the closing of a day care center following a finding of imminent danger to the health, safety or welfare of the children in care. A finding of imminent danger may be based on, but not limited to, the following:

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Failure to provide environmental protections such as heat, water, electricity or telephone service; or

Conviction of a licensee in a court of competent jurisdiction of child abuse, child neglect or crimes against sexual morality involving children.

An order to close may be verbal but must be approved at a regional administrative level before it becomes effective. The department must within 72 hours either approve the reopening of the center or initiate a petition for the suspension of the license to operate. A preliminary hearing on such suspension shall be provided within 10 working days of the initial order to close.

233. Remedies and Sanctions

233.1 Hearings

Not specified

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

HSS 53.31 Organization and Administration.
ADMINISTRATION. The Licensee shall:

Develop and implement written policies to be submitted to the department for review on:

Termination of enrollment of children.
Fee payment and refund.

Develop and implement written policies to be submitted to the department for approval on:

Health, education, nutrition and discipline.
Transportation when provided.
Plans for evacuation and other emergencies.
In-service training.
Orientation of new staff and volunteers.

Display the day care license near the entrance or in some other conspicuous area of the center that is accessible to the public.

REPORTS. The licensee shall report to the department:

An accident resulting in the death or serious injury of a child while at the center within 3 days after the occurrence. A serious injury is one requiring the hospitalization of the child as an inpatient.

A natural or man made catastrophe which damages the building within 24 hours after the occurrence.

A change in the board chairperson or director of a day care center within 30 days after the change.

A termination of any program services at least 5 days prior to the termination.

Statistical data required by the department on forms provided by the department.

HSS 55.32 Personnel.

Person with administrative responsibilities. The licensee shall designate a person or persons with administrative responsibility for the management of the center, including but not limited to personnel, finances, physical plant maintenance and other areas of operational management.

Volunteers.

The person with primary program responsibilities shall:

Designate a staff member to coordinate the volunteer program.

Keep on file a schedule of the hours of the volunteers who are included in determining staff to child ratios.

312. Telephone

HSS 55.33 Physical Plant and Furnishings.

The center shall have access to a telephone during hours of operation and a list of emergency telephone numbers such as the local rescue squad, fire department, police department, child protective services and emergency medical service shall be posted on or beside each telephone.

Note: In this subdivision, "telephone" does not include pay telephones requiring payment to reach the operator or telephones in locked rooms.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

HSS 55.30 Scope.

ADMINISTRATION. The Licensee shall:

Provide documentation of insurance coverage by the submission of a certificate of insurance reflecting current dates of coverage for:

General liability insurance which provides coverage with limits of not less than $25,000 for each person and total limits of $75,000 per occurrence.

Vehicle liability insurance, when transportation is provided, with minimums no less than those provided in s. 121.53, Stats.

Non-owned vehicle liability insurance when transportation is provided in other than center owned vehicles.

320. PERSONNEL

321. Publication of Personnel Policies

HSS 55.31 Organization and Administration.
ADMINISTRATION. The Licensee shall:
Develop and implement written policies to be submitted to the department for review on:

> Personnel policies, including job description, hours of work, lunch and break times,, holidays, vacations, sick leave, leave of absence, salary range, probationary period, performance evaluation, grievance procedure and disciplinary process.

322. Constraints Against Employment

HSS 55.31 Organization and Administration.
ADMINISTRATION. The License shall:
Assure that no person who has been convicted in a court of competent jurisdiction of child abuse or crimes against sexual morality involving children is employed as a worker in a day care center.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

HSS 55.31 Organization and Administration.

DISCRIMINATION. The license shall ensure that the day care center does not discriminate on the basis of age, race, color, sex, creed, handicap, political persuasion, national origin or ancestry against:

Any employee or applicant for employment, in regard to hire, tenure or term, condition or privilege of employment.

Any enrolled child and family or any applicant for enrollment in regard to admission, privilege of enrollment or discharge condition.

340. RECORDS REQUIREMENTS

341. Children

HSS 55.31 Organization and Administration.

CHILDREN'S RECORDS.

The license shall maintain a current written record file at the center on each child enrolled and make it available to the licensing representative. Each record file shall include:

Pre-admission and enrollment information consisting of:

Name and birth date of child.

Full name of parents.

Home address and telephone number.

Address and telephone number where a parent can be reached while child is in care.

Name, address, telephone number and relationship to the child of a person to be notified in an emergency, when a parent cannot be reached immediately.

Name, address and telephone number of physician or medical facility caring for the child.

Name, address and telephone number of a person other than a parent authorized to call for the child, or authorized to accept the child who is dropped off.

First day of attendance and termination date.

For children under 30 months of age, a current statement from the parent about the specific habits of eating, sleeping, toileting, communication and comforting.

Consent from the parent for emergency medical care or treatment.

Authorization to transport the child to and from the center, when transportation is provided.

Authorization for the child to participate in and be transported for field trips and other activities if these are part of the center's program.

Specific informed consent from the parent for each incident of participation by a child in any research or testing project. The day care center shall obtain and make available to the department and to the parent a statement indicating the sponsor, the subject matter, the specific purpose and the proposed use of results with respect to each such project.

The current physical examination and any other matters relating to the child's health.

The daily attendance of each child for the length of time the child is enrolled in the program. For children in irregular or drop in care, the hours of arrival and departure shall be recorded.

342. Staff

HSS 55.31 Organization and Administration.
STAFF RECORDS. The licensee shall:
Maintain a record file for each employee which is available for examination by the licensing representative and which includes:

An application form including name, address, date of birth, education, position, previous work experience in child care including reason for termination, the name, address, and telephone number of persons to be notified in an emergency and any record of conviction for child abuse or crimes against sexual morality involving children.

Evidence of current physical examination as specified in HSS 55.32 (1).

Documentation of educational qualifications for the postion as specified in HSS 55.32 (1).

Have a listing of the name, address and telephone number of the person to be notified in the event of an emergency to an employee at the location where the employee works.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

HSS 55.31 Organization and Administration.

CHILD ABUSE. The licensee, who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in s. 48.981 (1), Stats, shall immediately contact the county welfare agency, sheriff or city police in compliance with s. 48.981, Stats.

345. Confidentiality of Records Requirements

HSS 55.31 Organization and Administration.

CONFIDENTIALITY OF RECORDS. The licensee is responsible for compliance by the day care center with s. 48.78, Stats., and the following rules:

> Children's records are confidential. All persons having access to children's records may not discuss or disclose personal information regarding the children and facts learned about children and their relatives. This does not apply to:
>
> > The parent or a person authorized in writing by the parent to receive such information.
> >
> > The agency assisting in planning for the child when informed written parental consent has been given.
>
> Day care centers shall make accessible to the parent, upon request, all records and reports maintained on their own child.
>
> All records required by the department for licensing purposes are to be available to the licensing representative.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

HSS 55.32 Personnel.

STAFFING AND GROUPING. At least one child care worker meeting the qualifications of a primary child care worker shall supervise each group of children as outlined in sub. (1) (c).

Each child shall be closely supervised by a child care worker.

The maximum number of children in a group and the ratio of child care workers to children may not exceed those specified in Table 55.32.

TABLE 55.32

Age of Children	Maximum Number of Children in a Group	Minimum Number of Child Care Workers to Children
Infant to 1 year	6	1:3
1 year to 2 years	8	1:4
2 years to 2 1/2 years	12	1:6
2 1/2 years to 3 years	16	1:8
3 years to 4 years	20	1:10
4 years to 5 years	24	1:12
5 years and over	32	1:16

412. Methods of Computing Staff/Child Ratios

HSS 55.32 Personnel.

STAFFING AND GROUPING. When children under the age of 2 1/2 are part of a mixed age group, the size of the group may not exceed the maximum number of children that would be allowable for the youngest member of the group.

When there is a mixed age group, the staff to child ratio shall be adjusted on a prorata basis, according to age.

When 8 or less children are present in the center, there shall be a second adult available within 5 minutes. The center shall keep a signed and dated statement including address and telephone number, certifying the person's availability and agreement to serve.

In a center with 9 or more children present, there shall be at least 2 adults available at all times in the building. At least one of these shall be a child care worker directly involved in the supervision and care of children.

Supportive staff such as clerical, housekeeping and food service staff may be considered in determining the staff to child ratio:

> During those hours when they give full attention to the care and supervision of children; and
>
> Provided they meet the qualifications of child care staff.

Child care workers shall be free of all other non-classroom duties during the hours they are working directly with children.

Children of staff members who attend the center or who are on the premises for supervision and care shall be included in determining group size and staff to child ratio.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 412. Methods of Computing Staff/Child Ratios

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

HSS 55.32 Personnel.

RESPONSIBILITIES AND QUALIFICATIONS OF STAFF. A person who is a primary child care worker shall:

Be at least 18 years old.

A secondary child care worker shall:

Be at least 18 years old.

512. Health

HSS 55.32 Personnel.

HEALTH QUALIFICATIONS. All persons except volunteers who work directly with children shall have a health examination within 6 months prior to beginning work or within 30 days thereafter. The report, dated and signed by a physician, shall be on file in the center and certify that:

The person is free from illness detrimental to children.

The person is physically able to work with young children.

No staff, volunteer, visitor or parent with symptoms of illness, communicable diseases or whose behavior gives reasonable concern for the safety of children may be on the premises of the center.

No person with a health history of typhoid, paratyphoid, dysentery or other diarrheal diseases may work in a center until it is definitely determined by appropriate tests that such person is not a carrier of these diseases.

513. Education

HSS 55.32 Personnel.
Within each subsequent 3 year period after assuming the position, a person with administrative responsibility shall complete 45 additional hours of early childhood education as approved by the department. This training shall be exclusive of the in-service training requirements as specified in sub. (2).

A person who is a primary child care worker shall:

> Have completed high school or its equivalency as determined by the department of public instruction; or hold certification, credential or diploma from a post secondary early childhood program as approved by the department.

The person who is a primary child care worker shall have completed:

> Prior to assuming the position, 120 working days experience providing direct child care as a child care worker or volunteer in a licensed day care center, kindergarten or early childhood program approved by the department; or be certified by the Wisconsin department of public instruction as a nursery school teacher or show evidence of meeting the qualifications for such certification.
>
> Prior to assuming the position, 2 years of documented credit in an institution of higher education with at least 3 credits equivalent to early childhood education; or satisfactorily completed 80 hours of training in early childhood education as approved by the department; or have a Child Development Associate (CDA) credential or satisfactory attainment of other department approved competency program.

A secondary child care worker shall:

Work under the supervision of a primary child care worker with a group of children.

Have completed satisfactorily or be enrolled in 40 hours of training as approved by the department.

Substitutes. In the absence of a regular staff member, there shall be a similarly qualified substitute; or

In the event the regular staff member's absence is not anticipated to exceed 5 days, a person not meeting the educational qualifications may substitute if a qualified person is not available. The substitution may not exceed 5 consecutive days.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 523. Education

522. Health

See 512. Health

523. Education

HSS 55.32 Personnel.

A person who has administrative responsibilities shall:

Be at least 21 years of age.

Have completed high school or its equivalency as determined by the department of public instruction; or hold certification, credential or diploma from a post secondary early childhood education training program as approved by the department.

Prior to assuming the position, a person with administrative responsibilities shall:

> Have one year of experience as a person with primary program responsibility or as a primary child care worker; or have satisfactorily completed 40 hours of training in early childhood education as approved by the department.

Persons may meet the requirements of subd. 3 if prior to assuming the position, they have completed the administrative training or experience requirement and are currently enrolled in the early childhood education training; or have completed the early childhood education training or experience and are currently enrolled in the administrative training.

When the administrative responsibility for the management of the center is the designated responsbility of a cooperative board, the qualification requirements as specified in subds. 2, 3, 4 and 5 do not apply.

Note: Accumulated hours of training beyond the entry level requirement, as specified in subds. 3a and 3b are counted in determining each subsequent 3 year requirement as specified in 5.

Person with primary program responsibilities.
The licensee shall designate a person or persons as responsible for supervision of the planning and implementation of the program and directing the orientation and in-service training of staff.

A person who has primary program responsibilities shall:

> Be at least 21 years of age.
>
> Have completed high school or its equivalency as determined by the department of public instruction; or hold certification, credential or diploma from a post secondary early childhood training program as approved by the department.

In a center of multi-center agency licensed to serve 40 or less children at any one time and operated by the same licensee, the person with primary program responsibility shall have completed:

> Prior to assuming the position, 120 working days experience providing direct child care as a child care worker or volunteer in a licensed day care center, kindergarten or early childhood program approved by the department; or been certified by the Wisconsin department of public instruction as a nursery school teacher or show evidence of meeting the qualifications for such certification.
>
> Prior to assuming the position, 2 years of documented credit in an institution of higher education with at least 3 credits equivalent to early childhood education; or satisfactorily completed 80 hours of training in early childhood education as approved by the department.

In a center or multi-center agency licensed to serve 41 or more children at any one time and operated by the same licensee, the person or persons with primary program responsibility shall have completed:

> Prior to assuming the position, 2 years experience as a primary child care worker in a licensed day care center, kindergarten or early childhood program approved by the department.
>
> Prior to assuming the position, 2 years of documented credit in an institution of higher education with at least 12 credits in early childhood education, or satisfactorily completed 160 hours of training in early childhood education as approved by the department.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

HSS 55.32 Personnel.
Volunteers shall participate in orientation as required in sub. (2) (a).

Volunteers who are included in determining staff to child ratios shall meet the requirements of the position they are filling.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

HSS 55.32 Personnel.
A person who has administrative responsibilities shall:

> Within each subsequent 3 year period after assuming the position, a person with administrative responsibility shall complete 45 additional hours of early childhood education as approved by the department. This training shall be exclusive of the in-service training requirements as specified in sub. (2).

A person who has primary program responsibilities shall:

> Within each subsequent 3 year period after assuming the position, 45 additional hours of training in early childhood education as approved by the department. This training excludes the in-service training requirement as specified in sub. (2).
>
> Prior to to assuming the position, 2 years experience as a primary child care worker in a licensed day care center, kindergarten or early childhood program approved by the department.

Prior to assuming the position, 2 years of documented credit in an institution of higher education with at least 12 credits in early childhood education, or satisfactorily completed 160 hours of training in early childhood education as approved by the department.

Within each subsequent 3 year period after assuming the position, 45 educational hours of training in early childhood education as approved by the department. This training excludes the in-service training requirement as specified in sub. (2).

Note: Accumulated hours of training beyond the entry level requirement, as specified in subds. 3b and 4b are counted in determining each subsequent 3 year requirement as specified in subds. 3c and 4c.

542. Child Caregiver Staff

HSS 55.31 Organization and Administration.
CHILD ABUSE. The licensee must ensure that every child care worker who comes in contact with the children at the day care center has received training in:

Child abuse and neglect laws.

The process of identification of children who have been abused or neglected.

The process for reporting known or suspected cases of child abuse or neglect.

HSS 55.32 Personnel.
PRIMARY CHILD CARE WORKER. Within each subsequent 3 year period, after assuming the position, 45 additional hours of training in early childhood education as approved by the department. This training excludes the in-service training requirement as specified in sub. (2).

Note: Accumulated hours of training beyond the entry level requirement as specified in subd. 3b are counted in determining each subsequent 3 year requirement as specified in subd. 3c.

SECONDARY CHILD CARE WORKER. A secondary child care worker shall:

> Within the following 3 year period after assuming the position, complete 40 additional hours of training in early childhood education as approved by the department. This training excludes the in-service training requirement as specified in sub. (2).

A parent serving as a secondary child care worker in a parent co-operative may be exempt from the training requirements specified in subd. 1. Parent volunteers shall have at least 4 hours of training in day care programming and procedures before working in the classroom.

Note: Approval of training content, length of courses and qualifications of persons teaching courses shall be according to criteria established by the department of health and social services.

ORIENTATION AND IN-SERVICE TRAINING. Each center shall develop and implement a written orientation program which is required of all new staff and volunteers within their first week at the center. This orientation shall include, but is not limited to:

A review of the applicable parts of HSS 55.
A review of the center policies.
Training in emergency procedures including first aid.
Job responsibilities in relation to the job description.
Training in the recognition of illness of the child.
Schedule of activities.
The child abuse and neglect laws.

Centers shall develop and implement an annual in-service training plan which includes staff meetings. The center shall provide training, at a ratio of 2 hours per month for each month of program operation through, but not limited to, one or more of the following means:

Discussion or materials concerning the child growth and development and early childhood education, available for, and used by staff.

Community resource people.

Attendance at conferences or workshops.

The center shall provide food service personnel with orientation and in-service training in kitchen sanitation, food handling and nutrition.

543. Support Staff

HSS 55.32 Personnel.
Volunteers shall participate in orientation as required in sub. (2) (a).
Volunteers not included in determining staff to child ratios shall have at least four hours of training in day care programming and procedures before working in the classroom.

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

HSS 55.34 Program.

ESSENTIAL PROGRAM QUALIFICATIONS. There shall be a written program of activities planned according to the developmental level of each group of children and reflecting the cultural diversity of the children of the community. The program shall provide each child with experiences which will encourage:

Self-esteem and positive self-image.
Social interaction.
Self-expression and communication skills.
Creative expression.
Large and small muscle development.
Intellectual growth.

The program schedule shall be planned to provide a flexible balance of:

Active and quiet activities.
Individual and group activities.
Indoor and outdoor activities.

Television shall be used only to supplement the daily plan for children. No child may be required to watch television.

Routines such as toileting, eating and intervals between activities shall be planned to avoid keeping children waiting in lines or assembled in large groups.

The program shall provide:

Reasonable regularity in routines such as eating and napping.

Daily periods when a variety of experiences are concurrently available for the children to select their own activities.

Protection from excess fatigue and overstimulation.

Children shall be given individual attention on a one to one basis by staff members.

The cultural diversity of the children shall be reflected in the program through the incorporation of their language, food, celebrations and life styles.

When centers are open in the early morning and late afternoon, special consideration shall be given to planning activities which will meet the individual needs of the child through:

Opportunities to rest and eat if these are indicated.

Use of materials or participation in activities which are not necessarily a duplication of activities planned for the major part of the program day.

The program, as implemented, shall reflect the center's written plans.

MISCELLANEOUS ACTIVITIES. A center which includes in its program watercraft, riflery, archery or horseback riding shall comply with the applicable rules for the activity as specified in Subchaper IV-Additional Requirements for Day Camps.

HSS 55.36. Night Care.

SCOPE. This section applies to a group day care center which operates during any period of time between 7:00 p.m. and 6:00 a.m. in addition to sections HSS 55.30 through HSS 55.35.

GENERAL RULES. Night care may be provided only in centers which offer self-contained classrooms.

The maximum number of children who may be admitted at any one time to a center offering night care is 30.

When the same premises are used for the operation of both day care and night care, the number of children during overlapping shift periods may not exceed the maximum licensed capacity of the center.

The time which any child attends the center may not exceed 12 hours of any 24-hour period.

Minimum staff child ratios and group size as specified in HSS 55.32 (3) shall be maintained.

Child care workers shall remain awake.

Children shall be within the sight or sound of a child care worker.

At no time may there be less than 2 child care workers on the premises while children are sleeping.

Each child in night care shall have provided by parent or center, individually labeled sleeping garments, washcloth and towel, toothbrush and a special toy or blanket which has meaning to the child, if the child wishes.

PROGRAM. The child care staff shall work with the child's parent to coordinate a plan for the time the child spends at the center with the family schedule.

A center offering night care shall provide a self-contained classroom away from sleeping children where the awake child can engage in activities.

An evening and morning schedule of program activities shall be planned for the hours that children are awake.

School age children shall have an opportunity for reading or school work.

PREVENTIVE MEASURES. Training shall be given to child care staff around special techniques of evacuating sleeping children in an emergency.

Centers operating during hours of darkness shall provide emergency lighting, such as an operable flashlight, for each self-contained room used by children.

FEEDING. Breakfast shall be served to all children in care for the night, unless the parent specifies otherwise.

A nighttime snack shall be available to all children in care.

Each child present at the time the evening meal is scheduled shall be served dinner.

PERSONAL CLEANLINESS. Children shall have shower, tub or sponge bath as needed for body cleanliness. When a bathtub is used, fresh water shall be provided for each child and the tub shall be cleaned after each use.

A child care worker shall be in the room while children are bathing.

SLEEP.

Children who attend the center the evening hours but do not spend the whole night shall have an opportunity to sleep, if needed.

Sleep routines for individual children shall be established based on information provided by the parents.

A bed or crib shall be provided for each child in night care with sheets and blankets individual to each child.

Pillows with pillow cases shall be available to children who choose to use them.

The center shall maintain a supply of extra sleeping garments and bedding for emergencies and accidents.

Rubber sheets shall be provided for children whose enrollment information indicates a tendency to bedwetting.

Children under 2 years of age in night care shall sleep in cribs.

Child care staff shall work with parents to insure consistency between the family and night care center bedtime routines.

612. Program Equipment and Materials

HSS 55.33 Physical Plant and Furnishings.
FURNISHINGS. Tables shall be scaled to the height and size of the children's comfort and reach. Seating shall be scaled to the height and size of the child.

In centers where meals are served, there shall be table space for each child and seating sufficient in number to serve the children cared for in the group.

Shelves shall be provided for the equipment and supplies in rooms used by children. Equipment and supplies shall be arranged in an orderly fashion so that children may select, use and replace items.

Each child shall have storage space for clothing and personal belongings. For children 30 months and older, the space for outergarment storage shall be at child level.

HSS 55.34 Program.

EQUIPMENT. Equipment shall be provided for both indoors and outdoors and be:

Scaled to the size and developmental level of the children.

Minimum requirements shall be met by the provision of equipment and supplies according to the following criteria:

A variety of equipment from each of the following shall be selected:

To provide for large muscle development.

To provide for construction activities and for the development of manipulative skills.

To encourage social interaction.

To provide for intellectual stimulation.

To encourage creative expression.

Indoor equipment shall be provided in a sufficient quantity so that each child has a choice of at least 3 activities involving equipment when all children are using play equipment at the same time.

Outdoor equipment shall be provided in a sufficient quantity so that each child has at least one activity involving equipment when all children are using play equipment at the same time.

Note: Lists of sample equipment according to variety and quantity are available from the department on request.

Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

613. Nap Provision

HSS 55.33 Physical Plant and Furnishings.
FURNISHINGS. There shall be a safe, washable cot, bed or sleepinng bag provided for each child over one year who naps or sleeps. There shall be a safe washable crib provided for each child under one year who naps or sleeps.

HSS 55.34 Program.
REST PERIODS FOR SESSIONS OF MORE THAN 4 HOURS. There shall be a supervised nap or rest period of approximately one hour or longer for all children under 5 years of age.

Children who do not sleep shall be permitted to get up and helped to have a quiet time through the use of equipment or activities which will not disturb other children.

Each child shall be provided with an individual bed, cot, sleeping bag or crib which is placed at least 2 feet (63.8 cm.) on all sides from the next bed, cot, crib or sleeping bag. Sleeping bags, if used, shall be provided by parents. When sleeping bags are used, the child's head shall not rest on the floor.

Beds, cots, cribs, sleeping bags and bedding shall be labeled with the child's name to assure that each child uses the same items between washings.

Each child using a bed, cot or crib shall be provided with an individual sheet and blanket.

There shall be a complete change of bed linen after each 5 uses, immediately when wet or soiled, and always upon a change in occupancy. Sleeping bags shall be washed or cleaned as often as needed and at least weekly.

Beds, cots, cribs, sleeping bags and bedding shall be stored in a clean and sanitary manner.

614. Discipline and Guidance

HSS 55.31 Organization and Administration.
DISCIPLINE. Written policy. Each day care center shall have a written policy on the discipline of children which provides for positive guidance, redirection and to setting of clear-cut limits. It shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

Delegation. Only a qualified child care worker may discipline children. Discipline may not be delegated to older children or peers.

Punishments prohibited. Punishment which is humiliating or frightening to a child such as, but not limited to the following, is prohibited:

> Spanking, hitting, pinching, shaking or inflicting any other form of corporal punishment.
>
> Verbal abuse, threats or derogatory remarks about self or family.
>
> Binding or tying to restrict movement or enclosing in a confined space such as closet, locked room, box or similar cubicle.
>
> Withholding or forcing meals, snacks or naps.

Children may not be punished for lapses in toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

HSS 55.34 Program.
HEALTH. Physical examination. Each child shall have an initial examination not more than 6 months prior to, nor later than 90 days or 3 months after admission to a center.

Evidence of current physical examination shall be provided by a report signed and dated by a physician licensed in this state or in the state where the examination is done.

Each child 2 years of age and older shall have a subsequent physical examination at least once every 2 years thereafter by a physician.

Each child under 2 years of age shall be given a physical examination by a physician every 6 months after admission.

Note: Children participating in the early and periodic screening diagnosis and treatment (EPSDT) program or other screening program approved by the department meet the requirements of this paragraph.

713. Immunizations

HSS 55.34 Program.
HEALTH. Immunization. Each child shall have an immunization history which states that the child has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, measles, rubella and the month and year each dose was administered (as required by s. 140.05, Stats.). This written statement shall be

on file at the center prior to the child's admission or one of the following compliance alternatives shall be met prior to the child's admission:

> Signed permission by the parent to have the child immunized in a prompt and timely manner by either a physician specified by the parent or the local public health agency;
>
> A statement signed and dated by the parent authorizing the administration of needed immunization through medical arrangements made by the day care center with a physician or local public health agency;
>
> Upon written and dated statement by a physician that, in the opinion of the physician, a particular immunization required under s. 140.05, Stats. is or may be detrimental to the health of a particular child, the requirement for that particular immunization shall be waived by the department for that child until it is certified by that physician or another physician chosen by the parent that the particular immunization is no longer detrimental to the health of the child; or
>
> Upon written, signed and dated statement by the parent that a particular child is an adherent of a religious belief which precludes immunization, the immunization requirements under s. 140.05, Stats. shall be waived by the department for that child.

A written statement from the parent regarding the type and date of any immunization required under s. 140.05, Stats, which is administered to a child after the immunization history has been submitted to the center, shall be on file within 90 days or according to the required immunization schedule.

Note: The required immunization schedule is based upon the Advisory Committee on Immunization Practices of the U.S. Public Health Service and described in the compliance form issued by the department under s. 140.05, Stats.

714. Sanitation

HSS 55.33 Physical Plant and Furnishings.

GENERAL RULES.

Sanitation. The premises shall be free from litter, in a sanitary condition and in good repair.

Flaking and deteriorating paint on exterior and interior surfaces accessible to children shall be refinished.

No lead based paint or other toxic finishing material may be used.

Garbage containers in the building shall be covered, watertight and emptied daily or more often as needed. Compactors need not be emptied daily. Garbage and refuse stored out of doors shall be kept in leak-proof containers equipped with tight fitting covers and shall be disposed of as necessary to prevent decomposition or overflow.

Furnishings, toys, cots and other equipment shall be washed or cleaned as often as they become soiled.

Toilet rooms and fixtures shall be in a sanitary, odor free condition at all times.

Potty chair receptacles shall be emptied, rinsed and disinfected immediately after each use.

Windows which are opened for ventilation shall be screened.

The premise shall be maintained so as to prevent the entrance or harborage of vermin.

Water. A supply of safe drinking water shall be available to children at all time from a drinking fountain of the angle jet type or by use of disposable cups. Common use of drinking cups is prohibited.

When a public water system is not available, a private well my be used if it is approved by the department of natural resources. Water samples from an approved well shall be tested at the state laboratory of hygiene or a state approved laboratory at least annually. The water supply shall be bacteriologically safe prior to use. The report shall be available to the department.

HSS 55.34 Program.
HEALTH.
Personal cleanliness. Children's hands shall be washed with soap and water before eating and after toileting. Children's hands and faces shall be washed after meals.

Persons working with children shall wash their hands with soap and water before handling food and after assisting with toileting.

Individual washcloth, comb and toothbrush shall be kept in a sanitary condition when used at the center.

Wet or soiled clothing shall be changed promptly from an available supply of clean clothing which shall be available.

HSS 55.34 Program.
PETS.
Dogs and cats shall be vaccinated against diseases for which immunizations are available and which present a hazard to the health of children.

Pets suspected of being ill or infested with ectoparasites (external lice, fleas and ticks) or endoparasites (internal worms) shall be removed from the center.

Turtles, skunks and poisonous reptiles are prohibited in order to prevent salmonella, rabies and poisoning.

Animal pens shall be kept clean.

Pets shall be kept and handled so as to protect the well-being of both children and pets.

No pets may be in the food preparation areas.

715. Daily Illness Screening

HSS 55.34 Program.
HEALTH.
Observation. Each child upon arrival shall be observed by a staff person for symptoms of illness.

Any evidence of unusual bruises, contusions, lacerations and burns shall be noted on the child's record and reported immediately to the person in charge of the center.

716. Care of Sick Children

HSS 55.31 Organization and Administration.
CHILDREN'S RECORDS.
The license shall maintain a daily medical log recording injuries received by or medication dispensed to children.

The log shall be in a bound book with pages that are lined and numbered. The pages may not be removed.

Entries shall be in ink and dated and signed or initialed by the person making the entry.

HSS 55.34 Program.
HEALTH.
Observation.
Food allergies and other allergies of specific children shall be known to cooks, staff members, child care workers, and substitutes having direct contact with these children.

Isolation. An isolation area shall be provided for the care of children who become ill. If the area is not a separate room it shall be separated from space used by the other children by a partition, screen or other means.

Ill child procedure. When an apparently ill child is observed in the day care center the following procedures shall apply:

> Children with a sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea, or other illness or condition shall be isolated.

The child shall be provided with a bed, crib or cot and sheet and blanket in the isolation room or area with a staff within sight and hearing of the child. Isolation shall be used until the child can be removed from the center.

Note: For sessions of 4 hours or less, a kindergarten may be provided for the isolation room or area instead of a bed, crib or cot.

The child's parent, or a designated responsible person when a parent cannot be reached, shall be contacted as soon as possible after the illness is discovered. Arrangements shall be made for the exclusion of the child from the center.

Children who are ill may be transferred to a center or program component licensed for the care of children when all of the following conditions are met:

> With the consent of the parent.
>
> When the written health policy of the center allows ill children to remain.
>
> When medical consultation from a physician or local health department is available to the center in establishing policy for the management of ill children.

Communicable disease. When a child is suspected of having a communicable disease or condition such as, but not limited to, chickenpox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, lice, ringworm of the scalp, scarlet fever, whooping cough, diphtheria or meningitis, the county or city public health nurse shall be notified.

When a diagnosis of a communicable disease is made, the exposed children shall be watched for symptoms of the disease and the parents shall be notified as specified in sub (6).

A child may be readmitted without a statement from a physician after a communicable disease if the child has been absent for a period of time designated by the department.

Accident or injury. A written description of procedures for the treatment of accidents and injuries shall be included in the health policy and be made known to staff including:

> Procedure to be followed in bringing the child to emergency medical care.
>
> Routine procedures for treatment of minor injuries.
>
> First aid measures for serious accidents.
>
> A planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility shall be designated and made known to staff and parents.
>
> Written permission from the parents to call the family physician or refer the child for medical care in case of accident or emergency shall be on file at the center. Parents shall be contacted as soon as possible after the emergency has occurred.

A record of the accident or injury shall be kept in the child's permanent file and in the center medical log as specified in HSS 55.31 (8).

Records of accidents shall be reviewed by the director with staff at least twice each year in order to determine that all possible preventive measures are being taken.

HSS 55.34 Program.

PARENTS. Parents of enrolled children shall be notified:

When their child has been exposed to a communicable disease which has been diagnosed or suspected.

Of illness or serious injury to the child, immediately.

Of minor injury to the child, upon departure from the center.

PETS.

In the event that an animal bites a child, a veterinarian shall be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children as specified in sub. (5) (g) shall be followed. Parents shall be notified to any action taken by the veterinarian.

717. Medication and Special Diet Provisions

HSS 55.34 Program.

HEALTH.

Medication. No prescriptive medication or nonprescriptive medication such as, but not limited to, aspirin, cough medicine or nose drops may be given to a child except under the following conditions:

A signed, dated, written authorization of the parent is on file.

Prescription medication is in the original container and labeled with the child's name, name of drug dosage, directions for administering, date and physician's name.

Non-prescriptive medication is labeled with the child's name and the request, signed by the parent, includes dosage and directions for administering.

A written report including type of of medication given, dosage, time, date and the name of the person administering the medication shall be kept in the child's record and the center medical log as specified in HSS 55.31 (8).

Medication shall be kept under lock and key or otherwise inaccessible to children.

Medication requiring refrigeration shall be kept in a designated separate covered container clearly labeled "Medication".

718. Waiver of Health Requirements

See 713. Immunizations

720. SAFETY

721. General Safety Requirements

HSS 55.33 Physical Plant and Furnishings.
GENERAL RULES.
Protective measures. Fireplaces, steam radiators, electric fans, electric outlets, electrical heating units and hot surfaces such as pipes shall be protected by screens or guards. Electric fans shall be securely mounted out of children's reach.

Unvented space heaters are prohibited.

No potentially dangerous hazards, such as but not limited to firearms, ammunition, explosives, abandoned automobiles and household appliances, uncovered wells and cisterns or stacked lumber may be kept on the premises.

Materials harmful to children such as but not limited to, power tools, flammable or combustible materials, insecticides, matches and all other articles labeled hazardous or poisonous shall be in properly marked containers and stored in areas inaccessible to children.

A motor vehicle at the center or public or private rescue or emergency vehicle shall be immediately available at all times in case of an emergency.

The center shall have access to a telephone during hours of operation and a list of emergency telephone numbers such as the local rescue squad, fire department, police department, child protective services and emergency medical service shall be posted on or beside each telephone.

Note: In this subdivision, "telephone" does not include pay telephones requiring payment to reach the operator or telephones in locked rooms.

Stairs, walks, ramps and porches shall be maintained in a safe condition and free from the accumulation of water, ice and snow.

Smoking shall be permitted only in rooms or areas not used by children during hours of operation.

Alcohol or non-prescribed controlled sustances or both as specified in s. 161.01, Stats, may not be consumed on the premises of the day care center during hours of operation or while children are present.

Children may not be allowed in an area where power tools are in use.

FURNISHINGS.

All furnishings shall be durable, safely constructed, with no sharp, rough, loose or pointed edges.

722. Fire Safety Requirements

HSS 55.33 Physical Plant and Furnishings.

GENERAL RULES.

Fire prevention. Each center shall have written plans for fire, tornadoes and other emergencies. The center shall:

Post and practice the plans monthly as specified in HSS 55.31 (5).

Inform each staff member of their duties in the event of such an emergency.

Keep a written record of dates and times of the monthly practice.

The fire extinguisher on the premises shall be operable at all times, inspected once a year by a person qualified to do so, and bear a label indicating its present condition and date of last inspection.

All staff members shall be instructed in and knowledgeable about the use of the fire extinguisher.

Exits and exit passageways shall be unobstructed by furniture or other objects. A minimum clear width of 3 feet is required.

Extension cords may not be used in place of permanent wiring.

No more than 2 electrical appliances may be plugged into any one wall outlet.

The door to the basement and furnace room shall be closed.

Areas under stairs may not be used for storage.

All exit lights shall be lit at all times.

Fire alarm and smoke detectors shall be tested weekly.

723. Transportation

HSS 55.34 Program.

TRANSPORTATION. Scope. Rules on transportation apply when transportation, including field trips, is contracted or provided by the center. When privately owned, non-center vehicles are provided by volunteers without remuneration to transport children on field trips, transportation rules sub. (10) (b) 1, 2, 3, 7; sub. (10) (c) 2; sub. (10) (d) 2, 3 and sub. (10) (e) 4, 9 do not apply.

General. When children are transported in school buses as defined in s. 340.01 (56) Stats. the school busses shall comply with MVD 17, Wis. Adm. Code.

When a center provides transportation by any means, it shall assume responsibility for a child between the time and place where the child is picked up until the child is delivered to the parent or to a responsible person designated by the parent.

Each center shall maintain a written plan for the transportation of children, as specified in HSS 55.31 (5) which includes:

> A current list of children transported and methods of taking daily attendance.
>
> The schedule of the bus route.

The name and address of persons authorized to receive the child if the child is dropped off at other than the child's residence.

Procedures to be followed when parent or designated authorized adult is not at home to receive the child.

The name of each driver and type of license held and the date of expiration of each license, when transportation is provided by the center. When services are contracted, the name address and telephone number of the contracting firm and the name of an individual representing the firm who may be contacted after hours.

A center serving handicapped children shall include within the written plan and then implement safety precautions for the protection of children according to their age and disability.

Required emergency information as specified in HSS 55.31 (8) shall be carried whenever children are transported.

Smoking is prohibited in the vehicle while children are being transported.

When a center charters transportation services, the licensee shall obtain evidence that any vehicle used complies with par. (d) 1 and drivers comply with par. (c) 1.

Driver. The driver shall hold a valid Wisconsin operator's license of whatever type if required.

When the driver is a paid or unpaid staff member of the center, the driver shall:

Sign a waiver authorizing the administrator of the center to obtain a copy of the driver's driving record; or

Provide a copy of the driver's driving record.

Note: Copies of driving records may be obtained from the Department of Transportation, Division of Motor Vehicles, Bureau of Drivers Control, Hill Farms State Office Building, Madison, WI 53702.

The driver of a vehicle transporting children shall be 18 years of age or older, under 70 years of age and have at least one year's experience as a licensed driver.

Vehicle. Any vehicle operated by a center shall be licensed in accordance with the laws of this state.

The vehicle used for transporting children shall be in safe operating condition. At 6 month intervals, the license shall provide evidence of safe operating condition on forms provided by the department.

The vehicle shall be equipped with a first aid kit.

The vehicle shall be clean, uncluttered, and free of obstructions on the floors, aisles and seats of vehicles.

Any vehicle used to transport children shall be enclosed. Children shall not be transported in a truck, except in the cab.

When seat or safety belts are available, they shall be worn by children.

Doors shall be locked at all times that the vehicle is moving.

In every accident involving a motor vehicle which is transporting children, a copy of the insurance accident report shall be submitted to the department within 5 days after the occurrence.

Vehicle capacity and supervision. Children may not be left unattended in the vehicle.

There shall be at least one adult supervisor in addition to the driver when there are more than 10 children in the vehicle.

There shall be at least one adult supervisor in addition to the driver whenever children under 24 months of age or handicapped children are passengers of the vehicle.

The driver shall wait until the child enters the home or is into the hands of a designated authorized adult.

Handicapped children and children under 2 years of age shall be given assistance as indicated by their abilities, including leading or carrying them to and from their doorsteps or center to the seat of the vehicle.

A seat shall be provided for each. Allowable rump width in determining seating capacity is 13 inches per child and 20 inches per adult.

The driver or adult driver shall be responsible for seeing that children remain seated while the vehicle is in motion.

No more than 3 persons including the driver may occupy the front seat of the vehicle.

The driver shall conduct evacuation drills of the vehicle at 3 month intervals at the center. The evacuations are to be supervised and verified in writing by a staff person.

FIELD TRIPS. When a vehicle is used to transport children on a field trip, staff shall carry required emergency information as specified in HSS 55.31 (8).

Staff to child ratio shall be maintained on field trips. When 9 or more children are involved, the number of adults accompanying children away from the center may be no less than 2.

History: Cr. Register, May, 1980, No. 293, eff. 8-1-80.

724. Safety Requirements for Equipment

HSS 55.34 Program.

EQUIPMENT.

Equipment shall be provided for both indoors and outdoors and be:

Of sound construction with no sharp, rough, loose, or pointed edges and in good operative condition and anchored when necessary.

Placed so as to avoid danger of accident and collision and to permit freedom of action.

725. Water Activities (Including Swimming)

HSS 55.34 Program.

POOLS. Centers which have swimming places such as pools and beaches located on their premises shall comply with the requirements of ch. H71, Wis. Adm. Code.

The center shall comply with the American Red Cross standards as specified in Subchaper IV-Additional Requirements for Day Camps.

726. Emergency Procedures

Not specified

727. First Aid Supplies

HSS 55.34 Program.

HEALTH.

Accident or injury. Each center shall have a supply of bandages, tape and bandaids. Superficial wounds shall be cleaned with soap and water only and protected.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

HSS 55.34 Program.

FEEDING. Food. Food shall be provided according to Table 55.34 which is based on the amount of time children are present:

TABLE 55.34

Time Present	Number of Meals/Snacks
2 1/2 to 4 hours	1 snack
4 to 8 hours	1 snack and 1 meal
8 to 10 hours	2 snacks and 1 meal
10 hours or more	2 meals and 2 or 3 snacks

Center provided transportation time shall be included in determining the amount of time children are present for the purposes of subd. 1.

Food shall be served at flexible intervals, but no child shall go without nourishment for longer than 3 hours.

Meal and snack patterns listed in subds. 5, 6 and 7 shall be used in meal planning. Each meal shall provide 1/3 of the daily nutritional requirement of the child.

Breakfast shall consist of at least one item from each of the following categories:

Fruit or juice

Cereal, whole grain or enriched bread product

Butter or margarine

Grade A vitamin D milk

A noon or evening meal shall consist of at least one item from each of the following categories:

Meat, poultry, fish, egg, cooked dried peas or beans, cheese or peanut butter

Two vegetables or 1 vegetables and 1 fruit or 2 fruits

Cereal or whole grain or enriched bread products

Butter or margarine

Grade A vitamin D milk

Snacks (mid-morning or mid-afternoon) shall consist of at least one of the following: milk or milk product, fruit, fruit juice, vegetable, peanut butter, whole grain or enriched bread or cereal. When only fruit juice is served, it shall be pure fruit juice.

Note: Centers participating in and meeting the meal requirements of the United States Department of Agriculture (USDA) child care food program meet the requirements of subds. 5, 6 and 7 above.

Menus shall:

Be posted in the kitchen and in a conspicuous place accessible to parents.

Be planned at least one week in advance, dated and kept on file for 3 months.

Be available for review by the department.

Include a variety of foods.

Reflect the cultural and ethnic preferences of children of the community.

Any changes in the planned menu shall be recorded.

A sufficient quantity of food shall be prepared for each meal to allow second portions of vegetables or fruit, bread, butter or margarine and milk to be available to children.

Special diets including nutrient concentrates and supplements may be served only upon written instructions of the child's physician and upon request of the parent.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

HSS 55.33 Physical Plant and Furnishings.

FURNISHINGS.

In centers where meals are served, there shall be table space for each child and seating sufficient in number to serve the children cared for in the group.

KITCHENS.

Equipment and Utensils. Equipment and utensils used for preparing, serving and storing food shall be clean and equipped for the safe handling of food.

All equipment and utensils shall have smooth, hard surfaces, be easily cleanable, in good repair, durable, non-toxic, free of cracks, seams, chips and roughened areas, and shall be capable of being maintained in a clean and sanitary condition.

Food preparation tables shall be durable, and surfaces shall be smooth, non-absorbent and easily cleanable.

After cleaning, utensils shall be stored in a clean, dry place protected from contamination.

Single service utensils shall be non-toxic, stored in a clean, dry place, kept covered, and may not be reused.

Dishwashing procedures. All kitchen utensils and food contact surfaces used in the preparation, storage and service of food shall be thoroughly cleaned and santitized after each use.

All utensils and dishes shall be scraped, sorted and prewashed under running water.

For manual washing of dishes and utensils, a 3 step procedure shall be used:

Wash in water between 110 and 125°F (43 to 53°C), using an effective soap or detergent.

Rinse by immersing dishes and utensils for at least 2 minutes in a solution of an approved sanitizer.

For mechanical washing of dishes and utensils, the following shall apply:

Wash at 130 to 150°F (54 to 66°C) for at least 20 seconds, using an effective cleaning agent.

Rinse and sanitize at 180°F (82°C) for 10 seconds or more, using automatic rinse injector.

Readily-visible temperature gauges shall be located in the wash compartment of all mechanical dishwashers and in the rinse water line of spray-type mechanical dishwashers or in the rinse tank of an immersion-type dishwasher; or

For mechanical washing of dishes and utensils in hometype dishwashers with a temperature setting of between 130 and 150°F (54 to 66°C), dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by submerging dishes and utensils for at least 2 minutes in a solution of an approved sanitizer.

All dishes and utensils shall be air dried in racks or baskets or on drain boards.

Note: A list of approved sanitizers is available from the Hotels and Restaurants Section, Division of Health Services, P.O. Box 309, Madison, Wisconsin 53701.

Food sources. Food shall be from sources approved or considered satisfactory by the department and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption.

Only milk and milk products which meet the Grade A milk standards of the Wisconsin department of agriculture, trade, and consumer protection and certified by the department may be served or used.

No food prepared for meals shall be served on the premises unless it is prepared on the premises or in another location licensed by the appropriate agency.

Food in dented, bulging or leaking cans, or cans without labels may not be used.

No hermetically sealed, non-acid and low-acid food which has been processed in a place other than commercial food processing establishment may be used.

Food storage. Food shall be stored at temperatures which will protect against spoilage.

Perishable and potentially hazardous food which includes all custard-filled and cream-filled pastries, milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk products, and any other food or food products liable to rapid food spoilage shall be continuously maintained at safe temperatures, 40°F (4°C) or below or 150°F (66°C) or above, except during necessary periods of preparation and service.

Each cold storage facility shall be maintained at 40°F (4°C) or lower (refrigerator), or 0°F (-17°C) or lower (freezer).

Each cold storage facility shall be equipped with a clearly visible accurate thermometer.

Food shall be covered during storage under refrigeration.

Foods not requiring refrigeration shall be stored in clean, dry, ventilated and lighted storeroom or areas.

Dry bulk foods, such as flour, sugar, cereals and beans shall be stored in metal, glass or food grade plastic containers with tight fitting covers and shall be labeled.

Note: Food grade plastic means of any type of material used in the construction of dishes, utensils which has proven not harmful to health by the National Sanitation Foundation.

Food shall be stored at least 8 inches (20.32 cm) above the floor in the basement storage areas and above the floor in other than basement areas, in order to provide air circulation and facilitate cleaning.

Foods shall be stored in such manner so as to prevent contamination by sewage, waste water backflow, condensation, leakage or vermin.

Cleaning aids. Poisonous and toxic materials such as, but not limited to, cleaning supplies, bleaches and insecticides shall be labeled and stored in cabinets used for no other purpose.

Cleaning aids such as mops, brooms and buckets may not be stored in food preparation or food storage areas, and shall be in a clean and sanitary condition.

Food handling. All raw fruits and vegetables shall be washed before serving or cooking.

Food returned from individual plates or from dining tables shall be discarded.

Leftover prepared food which has not been served shall be refrigerated promptly and used within 24 to 36 hours, or frozen immediately for later use.

Food delivery vehicles shall be equipped with clean containers or cabinets to store food while in transit. Containers for hot or cold foods shall be capable of maintaining temperatures at or below 40°F (4°C) or 150°F (66°C) or above.

Food service personnel. Food service personnel includes any person who participates in meal preparation (breakfast, lunch, dinner).

Food service personnel shall:

Be at least 18 years of age.

Wear clean clothing and effective hair restraints such as hair nets or caps.

Wash their hands before starting work, before and after handling food, and after using the toilet.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

HSS 55.35 Infant and Toddler Care.
SCOPE. This section applies to a group day care center providing care and supervision to children under 30 months of age in addition to sections HSS 55.30 through HSS 55.35.

GENERAL RULES. Prior to admission, an interview shall be conducted with the child's parent or guardian in order to obtain written information which will aid child caring staff in individualizing the program of care for each child as specified in HSS 55.31 (8). Information shall include:

Schedule of meals and feeding.

Types of food introduced and time table for new foods.

Toilet and diapering procedures.

Sleep and nap schedule.

Child's way of communicating and being comforted.

Developmental and health history.

Admission information for children under 30 months of age shall be on file in the room or area to which the child is assigned and shall be known to the child worker.

At least every 2 months thereafter, child care staff shall meet with parents to update admission information and summarize information on the child's growth, development and behavior in order to coordinate the care of the child in the center and the home.

Each specific group of infants and toddlers shall have at least one regularly assigned child care worker to care for them in order to assure consistency and stability of relationship.

DAILY PROGRAM. Each child shall be allowed to form and follow the child's own pattern of sleeping and waking periods.

Emphasis in activities shall be given to play as a learning and growth experience.

Throughout the day, each infant and toddler shall receive physical contact and attention such as being held, rocked, talked to, sung to and taken on walks inside and outside the center.

Routines such as bedtime, feeding, cleanliness and diapering shall be used as opportunities for language development and other learning experience.

While a non-walking child is awake, the child's position and location shall be changed several times.

The non-walking child shall have opportunity during each day for freedom of movement such as creeping and crawling in a safe, clean, open, warm and uncluttered area.

Infants and toddlers shall be encouraged to play with a wide variety of safe toys and objects as specified in HSS 55.34 (2).

Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when a physician has ordered otherwise.

An adult size rocking chair or other adult size seating shall be provided for each child care worker.

The space occupied by permanently erected cribs shall be excluded in making a determination of the 35 square feet (3.3 meters) per child.

When being transported in a motor vehicle, children under 30 months of age shall be fastened securely in a child crash-tested restraint.

1120. HEALTH AND SAFETY REQUIREMENTS

Children under 30 months of age are restricted to floors having grade level exits.

Note: Grade level exit is defined to mean an exit without stairs in ch. Ind. 60, Wis. Adm. Code.

DIAPERING AND TOILETING ACTIVITIES. There may be no routine attempt to toilet train infants before 18 months of age.

Wet and soiled diapers and clothing shall be changed promptly.

There shall be a supply of dry clean clothing and diapers sufficient in quantity to meet the needs of each infant.

Children shall be diapered and changed in their own cribs or on a sturdy diapering table. The diapering surface shall be washed with water and germicidal solution after each use or a single use disposable covering which is changed after each use shall be provided.

If center supplied cloth diapers are used, soiled diapers shall be rinsed in toilets of the water flush type and placed immediately in a plastic lined covered container. Diapers shall be washed by a commercial diaper laundry service.

If parent supplied cloth diapers are used, soiled diapers shall be rinsed and placed in labeled plastic bags which are kept separate from other clothing and sent home daily.

If disposable diapers are used, soiled diapers shall be placed in a plastic lined covered container.

Soiled diapers shall be removed from containers as needed or at least daily for washing or disposal. Containers shall be washed and disinfected daily.

Soiled infant clothing shall be placed in a container separate from diapers.

The hands of the child care worker shall be washed before and after each diapering or assistance with toileting routines, using soap and running water.

The application of lotions, powder or salves to the child during diapering may be done only at the specific directions of the parent or physician. These directions shall be recorded in the child's file and posted in the diapering area.

Each self-contained classroom or area serving infants or toddlers who are diapered, shall have a lavatory (sink) with hot and cold running water in, or immediately adjacent to, the room or area.

A child shall be washed before diapering with disposable or fabric washcloth which is used once. Washcloths shall be individual to each child.

Washcloths and towels shall be provided for face and handwashing. Washcloths and towels shall be individual to each child and separate from washcloths used for diapering.

Toilet training shall be planned cooperatively between the child's assigned child care worker and parent so that toilet routine established is consistent between the center and the child's home.

1130. INFANT NUTRITION

HSS 55.35 Infant and Toddler Care.
FEEDING. Each child under 2 years of age shall be fed on the child's own feeding schedule.

Food and formula brought from home shall be labeled with the child's name and refrigerated if required.

If formula is provided by the center, it shall be of the commercially prepared iron enriched ready to feed type.

When formula is discounted, the center shall provide and use Grade A vitamin D milk. Use of other types of milk shall be based on the written recommendations of the child's physician.

Excess milk shall be discarded after each feeding. Bottles shall be rinsed after use.

Drinking water shall be offered to the infant and toddler several times daily.

A child unable to hold a bottle shall be held whenever a bottle is given. Bottles may not be propped.

Commercial baby food containers which are opened and foods prepared in the center which are stored, shall be covered, dated and refrigerated. If not used within 24 hours, leftover food shall be discarded.

A child too young to sit in a high chair or feeding table shall be held or placed in an infant seat while being fed. Wide based highchairs with safety straps or feeding tables with safety straps shall be provided for those children not developmentally able to sit at tables and chairs.

Infants shall be encouraged to experiment with self-feeding with hand and spoons. Eating utensils and cups shall be scaled to the size and developmental level of the infants and toddlers.

A variety of nourishing food shall be offered including cereal, vegetables, fruit, eggs and meat according to the child's developmental level and the parent's feeding plan as specified sub. (2), except that no child may be forced to eat.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

HSS 55.37 Supplemental Care for School Age Children.
SCOPE. This section applies to a group day care center serving children who regularly attend programs for part of the day in a facility other than the center in addition to sections HSS 55.30 through HSS 55.36

PROGRAM. The center shall have a written agreement signed by a parent or guardian which outlines the plan for transporting the child to and from the center.

The center shall have a planned program which provides a change of pace and interest between school and the center through provisions for:

Rest and quiet areas.
Recreational activities including outdoor and active play.
Freedom for children to select and plan their own activities.

When children 7 years of age and older are served in the same center with children under seven years of age, the program for children 7 years of age and over may not infringe on the required space, equipment, staff or bathroom facilities for the younger group of children.

STAFF QUALIFICATIONS. When a center provides care exclusively for children enrolled in a kindergarten or elementary school, the program director or teacher may substitute credits in elementary education, physical education or recreation for the requirements of HSS 55.32 (1).

FEEDING. School age children who are in the day care center shall be served meals and snacks when they are present at the time meals or snacks are served.

When breakfast is served, it shall be made available to those children who have not had breakfast.

School age children present at mid-day or evening shall be served lunch or dinner.

School age children present after school shall be served a snack.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

HSS 55.33 Physical Plant and Furnishings.

GENERAL RULES. The department shall be given written notice of proposed construction, remodeling of existing space or change in rooms to be used by children prior to the initiation of such changes.

Space designated for use by the children shall be available for the children and staff only and not used for other purposes while the center is open.

INDOOR SPACE. The space used by children shall be no less than 35 sq. ft. (3.3 sq. meters) of usable floor space per child. This space excludes passageways, bathrooms, lockers, office, storage areas, isolation quarters, staff room, furnace, that part of rooms occupied by stationary equipment and those areas not consistently available to children such as, but not limited to, areas used exclusively for large muscle activity, music, napping or eating.

There shall be storage space for cots, bedding, supplies and surplus equipment.

OUTDOOR SPACE. The rules on outdoor space shall apply to any center where children are present for more than 3 hours per day.

There shall be at least 75 square feet (7.0 square meters) of outdoor play space on the premises for each child using the space at a given time. The total outdoor space shall accommodate not less than one third of the licensed capacity or a minimum of 750 square feet (70 square meters), whichever is greater.

The boundaries of outdoor play space shall be enclosed in such a way as to protect children. A permanent enclosure not less than 4 feet (1.2 meters) hign shall be provided where hazards exist such as, but not limited to, traffic or bodies of water.

The outdoor space shall be well drained and free of hazards.

See also 612. Program Equipment and Materials.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

HSS 55.33 Physical Plant and Furnishings.

WASHROOM AND TOILET FACILITIES. The center shall provide the number of washbasins and toilets specified in table 55.33.

TABLE 55.33

Maximum Number of Children Center is Licensed For	Number of Washbasins and Toilets
10 or less	1
11 to 25	2
26 to 40	3
41 to 55	4
56 to 70	5
71 or more	6

When a center is licensed for more than 70 children, one additional washbasin and toilet shall be provided for each additional 15 children or fraction thereof.

When potty chairs are used for children under 30 months of age in place of required water closets (toilets), the potty chairs shall be provided in a ratio of 1 for every 4 children or fraction thereof.

Steps or blocks shall be provided if the lavatory (washbasin) and water closet (toilet) are not proportioned to the size of the children.

Soap, toilet paper, and a waste paper container shall be provided.

Single use disposable or individually labeled clean cloth towels shall be provided and accessible to children.

Toilet room door locks shall be openable from the outside and the opening device shall be readily accessible to the staff.

Note: Plumbing as defined in ch. 145, Stats, shall comply with ch. H 62, Wis. Adm. Code.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

HSS 55.33 Physical Plant and Furnishings.

GENERAL RULES.

Building. There shall be a report of inspection which indicates approval of the building by the department of industry, labor and human relations or by a certified inspector of that department. The building shall comply with applicable state and local building codes.

Note: Local authorities should be consulted to obtain any required zoning clearances or building permits. The department may request subsequent inspection from local authorities where available.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are from the Wyoming Department of Public Assistance and Social Services, Standards and Guidelines for Child Care Certification, Chapter II, Group Day Care Centers, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

WYO. STAT. §14-4-101 Definitions.
"Child caring facility" means any person who operates a business to keep or care for any minor at the request of the parents, legal guardians or an agency which is responsible for the child and includes any of the following privately operated facilities:

Children's institutions;

Child placing agencies whether for permanent or temporary placement;

Foster homes not supervised by the state, any local government, school district or agency or political subdivision thereof;

Group day care agencies;

Detention homes;

Public or private receiving homes;

Correctional schools;

Homes for defective children;

Ranches for children whether for summer operation only or otherwise;

Day or hourly nurseries, nursery schools, kindergartens or any other preschool establishment not accredited by the state board of education;

Boarding homes not supervised by the state, any local government, school district or agency or political subdivision thereof; and

Any other person not legally related to a minor, having legal or physical care, custody or control of the child, receiving payment therefore and not supervised by the state, any local government, school district or agency or political subdivision thereof.

112. Exclusions and Exemptions

WYO. STAT. §14-4-102 Certification required; exceptions.
All child caring facilities except those excluded in subsection (b) of this section, are required to be certified by the certifying authority before exercising care, custody or control of any minor.

W.S. 14-4-101 through 14-4-111 does not apply to:

A legal parent's or legal relative's care of a minor;

Occasional care of a neighbor's or friend's child if the caretaking person does not regularly engage in this activity;

Parents exchanging child care on a mutually cooperative basis;

Child care by a person employed to come to the home of the child's parent or guardian;

Day care agencies providing care for less than three (3) minors;

Foster homes supervised by the state, any local government, school district or agency or political subdivision thereof;

Ranches or farms not offering services to homeless, delinquent or retarded children; and

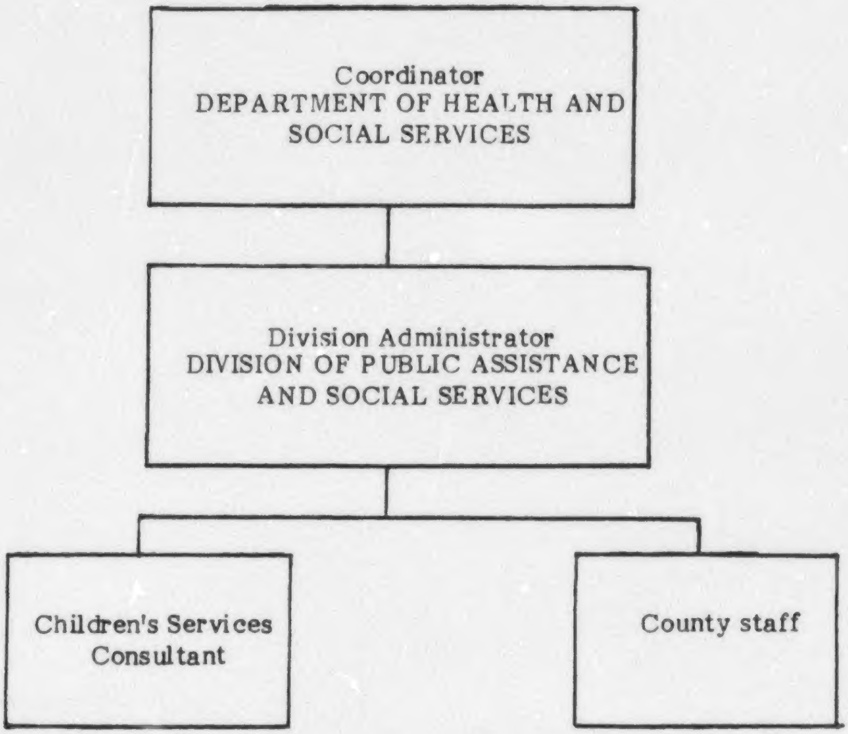
Summer camps operated by nonprofit organizations.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Coordinator
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Division Administrator
DIVISION OF PUBLIC ASSISTANCE AND SOCIAL SERVICES
Children's Services Consultant
County staff

Day care center certificates are issued at the state/central office level. County s inspect and monitor day care centers and group day care homes. County staff regi family day care homes.

122. Responsible Official

All inquiries should be addressed to:

Children's Services Consultant
Division of Public Assistance and
Social Services
Department of Health and Social Services
Hathaway Building
Cheyenne, Wyoming 82002
(307) 777-7561

200. CERTIFICATION AND ENFORCEMENT PROCEDURES

210. CERTIFICATION PROCESS

211. Promulgation of Regulations

WYO. STAT. § 14-4-104 Certification; application; standards; notification to certify or refuse; term.

Certificate shall be issued upon compliance with the following standards:

> Good moral character of the applicant, his employees and any other person having direct contact with a child under the care, custody or control of the applicant;
>
> Practical experience, education or training of the applicant in child care and treatment;
>
> Uncrowded, safe, sanitary and well repaired facilities; and
>
> Wholesome food prepared in a clean and healthy environment.

212. Advisory Body and Other Community Participation

WYO. STAT. § 14-4-103 Certification board; establishement; composition; appointment, etc., or lay members; duties.

A certification board is established and shall be composed of:

> One (1) representative from the division of public assistance and social services;
>
> One (1) representative from the state department of education;
>
> One (1) representative from the division of health and medical services;

The state fire marshal;

Two (2) lay members who are residents of the state and operators of child caring facilities; and

Any other person the governor may find necessary to comply with federal programs.

The lay members shall be appointed by the governor for terms of two (2) years each and any vacancies among the lay members shall be filled by gubernatorial appointment.

The board shall:

Designate investigators to investigate any child caring facility within the provisions of W.S. 14-4-101 through 14-4-111;

Act as the board of review; and

Act as an advisor to the state in all matters pertaining to child care programs and child care facility licensing.

220. CERTIFICATION PROCEDURE

221. Application and Issuance

WYO. STAT. § 14-4-104 Certification; application; standards; notification to certify or refuse; term.

Application for certification of a child facility within W.S. 14-4-101 through 14-4-111 shall be made to the certifying authority.

The certifying authority shall notify the applicant of its decision to certify or refuse certification of the applicant within thirty (30) days after the application has been filed.

All certificates expire one (1) year from date of issuance unless revoked prior to the expiration date and all certificates are nontransferable.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. Certificate Renewal

WYO. STAT. § 14-4—106 Same; renewal.

A request for renewal of a certificate shall be filed within thirty (30) days prior to the expiration date of the certificate. The expiring certificate does not expire until the application has been determined by the certifying authority. Each renewal of a certificate is effective one (1) year from the anniversary date of the certificate.

225. Conditional/Provisional Certificates

WYO. STAT. § 14-4-105 Same; provisional certificate.

The certifying authority may issue a provisional certificate if a substandard child caring agency is attempting to meet the standards or to comply with the rules and regulations pursuant to W.S. 14-4-101 through 14-4-111. A provisional certificate is effective for a period of not more than six (6) months and is nonrenewable.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

WYO. STAT. § 14-4-107 Inspection, etc., by certifying board; right of entrance, etc., denial thereof.

The certifying board shall periodically and at reasonable time inspect, investigate and examine all certified agencies and applicants for certification.

Any certified agency or applicant for certification shall give right of entrance and inspection of the facility to inspectors authorized by the certifying board. Any certified agency or applicant who denies admission to any authorized inspector shall have the certificate revoked or application denied.

232. Denial, Suspension, Revocation of a Certificate

WYO. STAT. § 14-4-108 Denial, etc., of certificate; grounds.

Any application for certification and any certificate made or issued pursuant to W.S. 14-4-101 through 14-4-111 may be denied, suspended or revoked by the certifying authority upon proof of violation of any provision within W.S. 14-4-101 through 14-4-111.

233. Remedies and Sanctions

233.1 Hearings

WYO. STAT. § 14-4-109 Same; notice and hearing; appeal.

Upon receiving a notice of denial, suspension, revocation or nonrenewal of certification, any certified agency or applicant may request a hearing with the board of review by serving proper notice to the certifying authority. The hearing shall be conducted in accordance with the Wyoming Administrative Procedure Act.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

WYO. STAT. § 14-4-109 Same; notice and hearing; appeal.
Any applicant or certified agency may appeal to the district court for review of the decision of the board of review as provided by the Wyoming Administrative Procedure Act.

WYO. STAT. § 14-4-110 Enjoining operations in violating.
Any person may be enjoined from operating a child caring facility for violating any provision within W.S. 14-4-101 through 14-4-111.

WYO. STAT. § 14-4-111 Penalty for uncertified operation.
Any child caring facility operating without certification under W.S. 14-4-101 through 14-4-111 is guilty of a misdemeanor and shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) for each offense. Each day of operation without certification is a separate offense.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§ 3 Standards As Interpreted from the Statutes.
All privately operated child caring facilities, except those excluded under the provisions of W.S. 14-4-102 (see below) prior to the exercise of care, custody or control of one or more minors shall be required to be certified by the certifying authority.

An applicant for certification must assure the certifying authority of the good moral character of the applicant, his employees and all those persons who will come in direct contact with the children cared for. This will be accomplished in the following manner:

Each applicant shall have three references on file with the county office of public assistance and social services, attesting to the applicant's character and child caring ability. The references shall include persons who have personal knowledge of the applicant's ability to care for children.

It is the responsibility of the applicant to attest to the good moral character of all employees and other persons who come in contact with the children. This will be done by the applicant collecting references on all employees and volunteers. These shall remain on file for review.

The Division of Public Assistance and Social Services requests a report within 48 hours after the occurrence of an unusual accident, such as death or serious injury of a child while at the facility (a serious injury being defined as one requiring hospitalization of the child), or after the occurence of a fire which requires the services of a fire department.

312. Telephone

§ 3 Standards As Interpreted from the Statutes.
In a facility there shall be a single line telephone immediately accessible to the staff.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

§ 3 Standards As Interpreted from the Statutes.

An applicant or staff member who has been convicted of a felony or has been involved with a child abuse or neglect court action or official investigation shall be required to provide information relative to the conviction and evidence of suitability for his or her position in the child care facility.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

§ 3 Standards As Interpreted from the Statutes.

To verify the immunization status of a child enrolled in a day care facility, the parent or guardian must present a completed and signed "Official Record of Immunization" to the operator of the day care facility. The operator is responsible for transcribing the data from the Official Record of Immunization onto an official immunization record card which should be maintained on each child.

An immunization status report and conditional enrollment report should be submitted by October 15 and January 15 of each year to the Wyoming Division of Health and Medical Services (IMMUNIZATION PROGRAM). The forms for these reports shall be provided by the Immunization Program.

342. Staff

§ 3 Standards As Interpreted from the Statutes.

The group day care center must comply with the following to be considered safe:

There shall be evidence of preemployment and annual review of the health status of each adult who has regular responsibilities with the children by a responsible health source to include a T.B. test or chest X-ray. Staff members should be discouraged from coming to work when they are ill with contagious diseases or with other illnesses which would affect their performances.

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§ 3 Standards As Interpreted from the Statutes.

The group day care center must comply with the following to be considered safe:

The staff ratio shall be complied with for the major part of the day. The staff ratio shall be determined as follows:

Ages of Children	Staff Requirements
2-3 years of age	1 staff member to 8 children
3-4 years of age	1 staff member to 10 children
4-5 years of age	1 staff member to 15 children
5-6 years of age	1 staff member to 20 children
over 6 years of age	1 staff member to 25 children

In a day care facility there should be provision for substitution for staff members who are ill. A staff member who exhibits any of the following conditions may be detrimental to the children's health: persistent skin rash and respiratory infection.

412. Methods of Computing Staff/Child Ratios

§ 3 Standards As Interpreted from the Statutes.

The staff ratio shall be complied with for the major part of the day.

These ratios apply to total number of children at any given time. When age groups are combined, the staff requirements for the youngest age group present shall apply. Whenever a facility cares for children who are developmentally disabled, a lower child-staff ratio shall be required. The ratio of one staff member to eight children shall be used. Whenever severely multiple handicapped children are present a staff ratio of one adult to two children shall be used.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratios as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

See 341. Staff

513. Education

§ 3 Standards As Interpreted from the Statutes.
An applicant must demonstrate practical experience or education or training in the care and treatment of children.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 341. Staff

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 341. Children

713. Immunizations

§ 3 Standards As Interpreted from the Statutes.

Each child enrolled in a child caring facility must be adequately immunized in accordance with the following table:

Age 19 mo. - 4 years	Age 5 and over
at least 3 doses DTP	at least 4 doses DTP or TB
at least 3 doses Polio	at least 4 doses Polio
1 dose Measles	1 dose Measles
1 dose Rubella	1 dose Rubella
1 dose Mumps	1 dose Mumps

The immunization requirements must be completed within 120 days of enrollment or the child shall be excluded from the day care facility by the facility operator.

714. Sanitation

§ 3 Standards As Interpreted from the Statutes.

Group day care centers must be uncrowded, clean and well repaired and safe.

Each child shall have his own linens and they shall be marked with his name for use on the mat or cot. The linens are not to be shared unless laundered before use by another child.

Those facilities having their own water and sewage system shall contact their local health department or the State Division of Health and Medical Services if no local department exists for consultation regarding water and sewage standards and water testing.

The group day care center must comply with the following to be considered safe:

> The premises, both indoor and outdoor, shall be free of environmental hazards and clean and comfortable as follows:
>
> > Free of rodents and vermin.
> >
> > Garbage and trash stored in covered containers away from the reach of children and disposed of frequently to avoid a hazard.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

§ 3 Standards As Interpreted from the Statutes.

Group day care centers must be uncrowded, clean and well repaired and safe.

Clean and well repaired:

> Conditions existing in or around a facility which would be hazardous to the physical well-being of children shall be eliminated.
>
> > Porches, steps, stairs and walkways shall be maintained in good repair and stairs and elevated porches shall have sturdy railings and/or guardrails.
> >
> > Stairs, walkways, ramps and porches shall be maintained free from accumulations of water, ice or snow and shall have non-slip surfacing.
> >
> > Play areas and play equipment shall be maintained in a reasonably safe condition and supervised.

Materials potentially harmful to children, including fuel, cleaning fluids, supplies, polishes, matches, medical supplies, bleaches, detergents, insecticides and similar materials shall be stored in designated metal cabinets or storage facilities accessible only to authorized persons and equipped with child-proof closures and shall be kept locked.

Lead paint shall not be used in any area accessible to children because the ingestion of lead can cause serious problems. Whenever a facility is repainted, the operator shall insure the use of lead-free paint.

Cleaning of the premises and equipment shall be performed on a regular basis as needed to protect the health of the children and staff in a manner which is approved by the sanitarian.

722. Fire Safety Requirements

§ 3 Standards As Interpreted from the Statutes.
The group day care center must comply with the following to be considered safe:

> Fire safety training and fire drills shall be made a part of the program and/or routine which would include personal safety, an approved fire safety evacuation plan and the execution of this plan with at least nine such exercises a year.

723. Transportation
Not specified

724. Safety Requirements for Equipment
See 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§ 3 Standards As Interpreted from the Statutes.
An applicant must provide meals for the children that are wholesome and prepared in a clean and healthful environment.

Meals:

Food served shall be planned for the needs of the children and shall be appropriate for their ages as follows:

Each regular meal planned to be balanced and to provide one-third to one-half of the child's daily food needs. If a child is in attendance for five or more hours, a meal will be provided.

Nutritious snacks provided at suitable intervals.

Grade A milk served at all meals unless a child has a specific health reason prohibiting milk.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§ 3 Standards As Interpreted from the Statutes.
Adequate refrigeration shall be available. Refrigerators should be maintained at 45 degrees or less.

Food preparation techniques and clean-up facilities shall be appropriate to the size of the group. If kitchen facilities are not available, food brought in shall be transported in covered containers and not allowed to stand longer than one-half hour before being used.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS
(Infant Day Care Centers)

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS
(Infant Day Care Centers)

1130. INFANT NUTRITION

See DAY CARE CENTERS
(Infant Day Care Centers)

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

§ 3 Standards As Interpreted from the Statutes.
Group day care centers must be uncrowded, clean and well repaired and safe.

Adequate indoor play space of 35 square feet per child.

Adequate outdoor play space of 75 square feet per child.

Sleeping space large enough to place cots or mats at least two feet apart on all sides.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

§ 3 Standards As Interpreted from the Statutes.

Toilet and lavatory facilities shall be available for the facility as follows:

> There shall be potty chairs or training seats for children who are being toilet trainied.
>
> Safe stepstools provided to allow the use of standard sized toilets and lavatories.
>
> The ratio of minimum number of toilet facilities shall be in accordance with the Uniform Plumbing Code.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

§ 3 Standards As Interpreted from the Statutes.

A facility should have at least one Underwriter's Laboratory approved fire extinguisher easily accessible. Consultation regarding size and type may be obtained from the local fire department or a representative of the State Fire Marshal. The operator shall submit a statement yearly to the county office of public assistance and social services from an authorized representative of the local fire department or a fire extinguisher service that the fire extinguisher is in working order.

Applicants for certification as a group day care center must have a formal inspection by an authorized fire inspector and must comply with the recommendations.

1530. BUILDING

Not specified

1540. HEALTH

See 1550. SANITATION

1550. SANITATION

§ 3 Standards As Interpreted from the Statutes.

Applicants for certification as a group day care center must have a formal inspection by an authorized sanitarian and must make every effort to comply with the recommendations.

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Wyoming Department of Public Assistance and Social Services, Standards and Guidelines for Child Care Certification, Chapter III, Infant Day Care Center, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review
See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

§ 3 Standards As Interpreted from the Statutes.
The Division of Public Assistance and Social Services requests a report within 48 hours after the occurrence of an unusual accident, such as death or serious injury of a child while at the facility (a serious injury being defined as one requiring hospitalization of the child), or after the occurrence of fire which requires the services of a fire department.

312. Telephone

§ 3 Standards As Interpreted from the Statutes.
There shall be a single line telephone immediately accessible to the staff. Adjacent to the telephone shall be conspicuously posted emergency telephone numbers, including fire, police, sheriff, physician (office and home) and ambulance.

313. Proof of Operator Financial Capabilities
Not specified

314. Insurance
Not specified

320. PERSONNEL

321. Publication of Personnel Policies
Not specified

322. Constraints Against Employment

§ 3 Standards As Interpreted from the Statutes.
An applicant or staff member, family member or boarder living in the home who has been convicted of a felony or has been involved with a child abuse or neglect court action or official investigation shall be required to provide information relative to the conviction and evidence of suitability for his or her position in the child care facility.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

§ 3 Standards As Interpreted from the Statutes.
To verify the immunization status of a child enrolled in a day care facility, the parent or guardian must present a completed and signed "Official Record of Immunization" to the operator of the day care facility. The operator is responsible for transcribing the data from the Official Record of Immunization onto an official immunization record which should be maintained on each child.

An immunization status report and conditional enrollment report should be submitted by October 15 and January 15 of each year to the Wyoming Division of Health and Medical Services (IMMUNIZATION PROGRAM). The forms for these reports shall be provided by the Immunization Program.

342. Staff

§ 3 Standards As Interpreted from the Statutes.
There shall be evidence of preemployment and annual review of the health status of each adult who has regular responsibilities with the children by a responsible health source to include a T.B. test or chest X-ray. Staff members should be discouraged from coming to work when they are ill with contagious diseases or with other illnesses which would affect their performance.

343. Child Eligibility and Enrollment Requirements
Not specified

344. Child Abuse Reporting
Not specified

345. Confidentiality of Records Requirements
Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

§ 3 Standards As Interpreted from the Statutes.
The staff ratio shall be complied with for the major part of the day. The staff ratio shall be:

0-2 years	1 staff member to 5 children

There shall be two staff members present in the center at all times.

Whenever eight or less infants are in attendance in the same room, the second person may be a staff aide who is not less than 18 years of age. If severely multiple handicapped infants are present a staff ratio of one adult to two children shall be used.

In an infant day care center there should be provisions for substitution for staff members who are ill. A staff member who exhibits any of the following conditions may be detrimental to the children's health: persistent skin rash and respiratory infection.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratios as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

See 342. Staff

513. Education

See 514. Experience

514. Experience

§ 3 Standards As Interpreted from the Statutes.
An applicant must demonstrate practical experience or education or training in the care and treatment of children.

The director for a center or staff member responsible for the infant program shall have satisfactory evidence of training or experience as follows:

Registered nurse; or

Licensed practical nurse, plus two years' supervised experience in the care of children under age three years.

An adult who has had five years' of supervised experience in the care of children under age three.

Persons who are not qualified as a registered nurse shall have regular consultation with a registered nurse with a specialty in maternal and child health, a pediatric nurse practitioner or pediatrician. Consultation shall be in the following areas but not limited to: infant feeding, infant stimulations, understanding normal infant growth and development, interaction of an adult and infant, record keeping and routine nursery operation. The consultant shall be available to confer with parents as needed.

The director shall have a current Standard First Aid Certificate.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 342. Staff

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

Not specified

613. Nap Provision

Not specified

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

§ 3 Standards As Interpreted from the Statutes.

Each child enrolled in a child caring facility must be adequately immunized in accordance with the following table:

Age 19 mo. - 4 years	Age 5 and over
at least 3 doses DTP	at least 4 doses DTP or TB
at least 3 doses Polio	at least 4 doses Polio
1 dose Measles	1 dose Measles
1 dose Rubella	1 dose Rubella
1 dose Mumps	1 dose Mumps

The immunization requirements must be completed within 120 days of enrollment or the child shall be excluded from the day care facility by the facility operator.

714. Sanitation

§ 3 Standards As Interpreted from the Statutes.

Infant day care center must be uncrowded, clean and well repaired and safe.

Those facilities caring for infants and toddlers shall give special attention to care and disposal of diapers.

Wet or soiled clothing shall be changed promptly. The infant nursery shall a sufficient supply of clean clothing for emergency use.

A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed on a surface which is thoroughly cleaned after each diaper change. Safety pins shall be kept out of the reach of infants.

Soiled diapers shall be immediately rinsed and placed in plastic bags or plastic-lined, covered containers. These containers shall be emptied, cleaned and disinfected daily.

Clothing worn by staff members shall be clean, and made of non-irritating material.

Handwashing facilities for adults shall be conveniently located in, or adjoining, areas used by infants and attendants' hands shall be washed after caring for each infant.

Toys and equipment shall be sanitized regularly.

Those facilities having their own water and sewage system shall contact their local health department or the State Division of Health and Medical Services if no local department exists for consultation regarding water and sewage standards and water testing.

The premises, both indoor and outdoor, shall be free of environmental hazards and clean and comfortable as follows:

Free of rodents and vermin.

Garbage and trash stored in covered containers away from the reach of children and disposed of frequently to avoid a hazard.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

§ 3 Standards As Interpreted from the Statutes.
Infant day care center must be uncrowded, clean and well repaired and safe.

Clean and well repaired:

Conditions existing in or around a facility which would be hazardous to the physicial well-being of children shall be eliminated.

Porches, steps, stairs and walkways shall be maintained in good repair, and stairs and elevated porches shall have sturdy railings and/or guardrails.

Stairs, walkways, ramps and porches shall be maintained free from accumulations of water, ice or snow and shall have non-slip surfacing.

Play areas and play equipment shall be maintained in a reasonably safe condition and supervised.

Materials potentially harmful to children, including fuel, cleaning fluids, supplies, polishes, matches, medical supplies, bleaches, detergents, insecticides and similar materials shall be stored in designated metal cabinets or storage facilities accessible only to authorized persons and equipped with child-proof closures and be kept locked.

Lead paint shall not be used in any area accessible to children because the ingestion of lead can cause serious problems. Whenever a facility is repainted, the operator shall insure the use of lead-free paint.

722. Fire Safety Requirements

§ 3 Standards As Interpreted from the Statutes.
Infant day care center must be uncrowded, clean and well repaired and safe.

The infant day care center must comply with the following to be considered safe:

Fire safety training and fire drills shall be made a part of the program and/or routine which would include personal safety, an approved fire safety evacuation plan and the execution of this plan with at least nine such exercises a year.

A facility shall have at least one Underwriter's Laboratory approved fire extinguisher easily accessible. Consultation regarding size and type may be obtained from the local fire department or a representative of the State Fire Marshal. The operator shall submit a statement yearly to the county office of public assistance and social services from an authorized representative of the local fire department or a fire extinguisher service that the fire extinguisher is in working order.

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 721. General Safety Requirements

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Not specified

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

§ 3 Standards As Interpreted from the Statutes.

An applicant must provide meals for the children that are wholesome and prepared in a clean and healthful environment. Compliance can be assured by the following:

> Food served shall be planned for the needs of the children and shall be appropriate for their ages as follows:
>
> An individualized diet and feeding schedule shall be provided according to a written plan submitted by the parents or by the child's physician with the knowledge and consent of the parent. A change of diet and schedule shall be noted on each child's daily activity schedule and posted in an area clearly visible to the nursery staff.
>
> The infant nursery shall provide all infant food other than formula. Food shall be varied and include cereal, vegetables, fruit, eggs and meat.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

§ 3 Standards As Interpreted from the Statutes.

There shall be no formula preparation at the center. A day's supply of formula in nursing bottles and special dietary foods shall be prepared by the parent with bottles of formula clearly labeled with each child's name. After use, bottles shall be rinsed thoroughly before return to the parent.

Adequate refrigeration at 45 degrees or less for formula and solid foods shall be provided. Unused infant foods shall be stored in the original container and kept separate from other foodstuffs. Dry cereal, cookies, crackers, breads and similar foods shall be stored in clean, covered containers.

Hands shall be scrubbed with soap and running water before preparing food and before and after feeding each infant.

All young infants shall be held for bottle feeding. Older infants and toddlers shall be fed in safe high chairs or at baby feeding tables. Older infants shall be provided suitable foods which encourage some freedom in self-feeding.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not applicable

1120. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1130. INFANT NUTRITION

Not applicable

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

§ 3 Standards As Interpreted from the Statutes.

Infant day care center must be uncrowded, clean and well repaired and safe.

> Uncrowded conditions:
>
> The minimum indoor space per infant shall be 50 square feet available for sleep and play. This space shall be exclusive of kitchen, toilet room, isolation area, office, staff rooms, hallways and stairways, closets, lockers, laundry, furnace rooms and space occupied by permanent, built-in cabinets and storage shelves.

> Each sleep or rest area, whether separate or combined with play area, shall be limited to not more than ten infant cribs with a space of not less than three feet separating each crib.
>
> If the infant nursery is included in the same building as a facility caring for children of other ages, such infant nursery shall be completely separated in different rooms.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

§ 3 Standards As Interpreted from the Statutes.
Infant day care center must be uncrowded, clean and well repaired and safe.

Play and sleep areas shall be properly heated, ventilated and lighted. The required minimum temperature shall be 72 degrees at the floor level, and the rooms shall have exterior windows. Infants shall be protected from direct light and draft.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

§ 3 Standards As Interpreted from the Statutes.
Toilet and lavatory facilities shall be available for the facility as follows:

> There shall be potty chairs or training seats for children who are being toilet trained. These shall be sanitized after each use.
>
> Safe stepstools provided to allow the use of standard sized toilets and lavatories.

The ratio of minimum number of toilet facilites shall be in accordance with the Uniform Plumbing Code.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

§ 3 Standards As Interpreted from the Statutes.
Applicants for certification as infant day care centers must have a formal inspection by an authorized fire inspector and must comply with the recommendations.

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

§ 3 Standards As Interpreted from the Statutes.
Applicants for certification as an infant day care center must have a formal inspection by an authorized sanitarian and make every effort to comply with the recommendations.

1560. NEW CONSTRUCTION

Not specified